

RYE BEACH VILLAGE DISTRICT

MASTER PLAN

1986



HD
211
.N4
R94
1986

RYE BEACH VILLAGE DISTRICT

MASTER PLAN 1986

Prepared for

Rye Beach Village District
Commissioners and
Planning Board

U. S. DEPARTMENT OF COMMERCE NOAA
COASTAL SERVICES CENTER
2234 SOUTH HOBSON AVENUE
CHARLESTON, SC 29405-2413

Prepared by

The Thoresen Group
Planning Consultants
Portsmouth, New Hampshire

Property of CCC Library

MAY 1986

The New Hampshire Coastal Program provided a grant for the preparation of this Master Plan which was financed in part by the Coastal Zone Management Act of 1972, as amended, administered by the Office of Ocean and Coastal Resources Management, National Oceanic and Atmospheric Administration.

HD211.N4 R94 1986

FEB 25 1986

THE THORESEN GROUP

48 Congress Street
Portsmouth, New Hampshire 03801
603-431-4027 431-2189

May 23, 1986

Ms. Betty Smith, Chair, Commissioners
Mr. Gary Layman, Chair, Planning Board
Rye Beach Village District
Rye Beach, New Hampshire 03871

Dear Ms. Smith and Mr. Layman:

The Thoresen Group is pleased to submit the "Rye Beach Village District Master Plan, 1986" to the Commissioners and Planning Board of Rye Beach Village District.

The Master Plan provides a foundation for land use planning and future Village District decisions. It contains recommendations on future land use and regulations. It reflects the considerable time spent by members of the Commissioners and Planning Board and Zoning Administrator in developing this project as well as participation by Steve Stancel of the Office of State Planning.

Under separate cover The Thoresen Group is also preparing new Subdivision Regulations as well as a new Zoning Ordinance. Both regulations are designed to stand on their own because Rye Beach has exclusive planning and zoning regulatory powers under State Statute.

The Thoresen Group appreciates the time spent by the Master Plan Committee in developing this plan. The survey of Rye Beach residents and two public meetings provided excellent resident input in the process. While there are always differences of opinion in every community, The Thoresen Group believes that this Master Plan provides a solid statistical foundation for future municipal decision-making which reflect the needs and interests of Rye Beach.

Sincerely,


Susan Werner Thoresen
Principal



A. Robert Thoresen
Principal

Table of Contents

	PREFACE	
I.	INTRODUCTION	1
II.	ASSESSMENT REPORTS	8
	Population and Economic Growth	9
	Housing	16
	Natural Resources and Land Use	29
	Transportation	40
	Public Utilities	42
	Community Facilities	46
	Recreation	53
	Historic Resources	56
	Conservation and Preservation	60
III.	COMMUNITY GOALS AND POLICIES	61
IV.	FUTURE LAND USE PLAN	70
V.	IMPLEMENTATION RECOMMENDATIONS	74
	APPENDIX A: RYE BEACH VILLAGE DISTRICT RESIDENT SURVEY RESULTS	83
	APPENDIX B: BIBLIOGRAPHY	87
	APPENDIX C: LEGAL DESCRIPTION	89

Preface

The Rye Beach Village District is a small area within the Town of Rye which, through legislative action, has exclusive land use regulatory powers. In order to regulate land through a zoning ordinance and subdivision regulations, the State and recent New Hampshire court decisions require communities to have an adopted Master Plan based on solid scientific evidence. It should also incorporate community goals and policies.

The Rye Beach Village District applied for and received federal Coastal Zone Management monies from the New Hampshire Office of State Planning which required a local twenty percent match. Requests for proposals were sent to qualified planning consultants and following interviews, The Thoresen Group from Portsmouth was hired.

The Master Plan and accompanying recommendations for the zoning ordinance and subdivision regulations were prepared by The Thoresen Group with the assistance of a Master Plan Committee. The Committee was composed of members of the Rye Beach Village District Commissioners, Planning Board, and the District's Zoning Administrator.

Throughout the planning process, the consultants and committee held open meetings. To increase resident participation in the planning process, a survey was mailed to all residents and landowners in the Rye Beach Village District in February 1986. The response to the survey of 40.1 percent was considered to be high. A public meeting was held following the survey during which the results, the preliminary goals and policies, and the current land use map were discussed. Residents contributed additional comments.

This Master Plan is a working document which provides the framework for land use decision-making in Rye Beach Village District. It is a guide which indicates the direction that Rye Beach Village District should take in land use and development in the community.

Commissioners:

Betty Smith, Chair
Steve Foss
Fred Miller

Zoning Administrator:

Joe Conner

Planning Board:

Gary Layman, Chair
Claire Attwood
Robert Bishop
Tom Longworth
David Rosania
Steve Foss, Com. Rep.

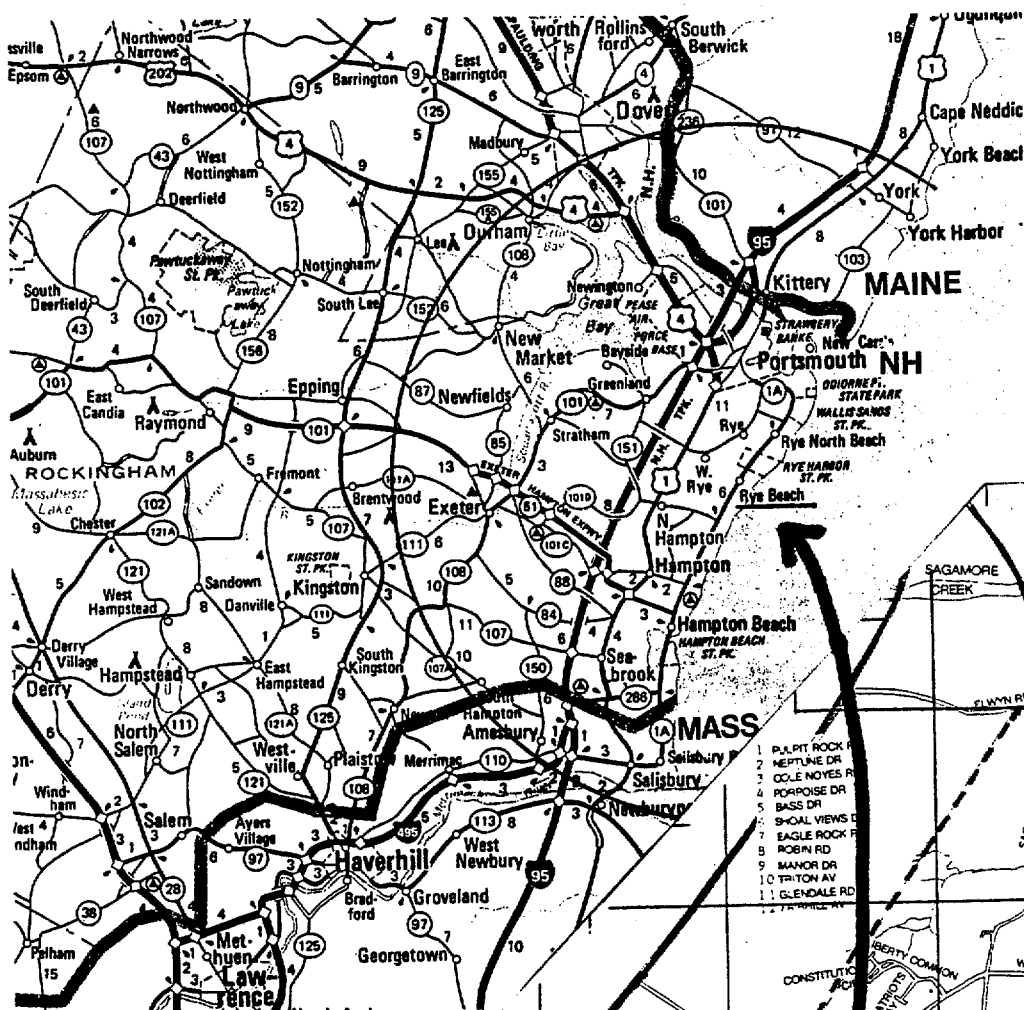
I. Introduction

The Rye Beach Village District is one of three special service districts within the Town of Rye that is enabled to provide services the Town does not provide. However, the Rye Beach Village District has been granted by the State specific "exclusive" powers to enact and enforce zoning and planning regulations as well as all other land use powers conferred upon towns. The Town of Rye does not have concurrent land use powers in Rye Beach. The Rye Beach Village District can adopt land use ordinances as well as raise taxes (in addition to the Town's taxes) to pay for its governmental affairs. A description of Rye Beach, the Village District legal background, and the Master Plan follows.

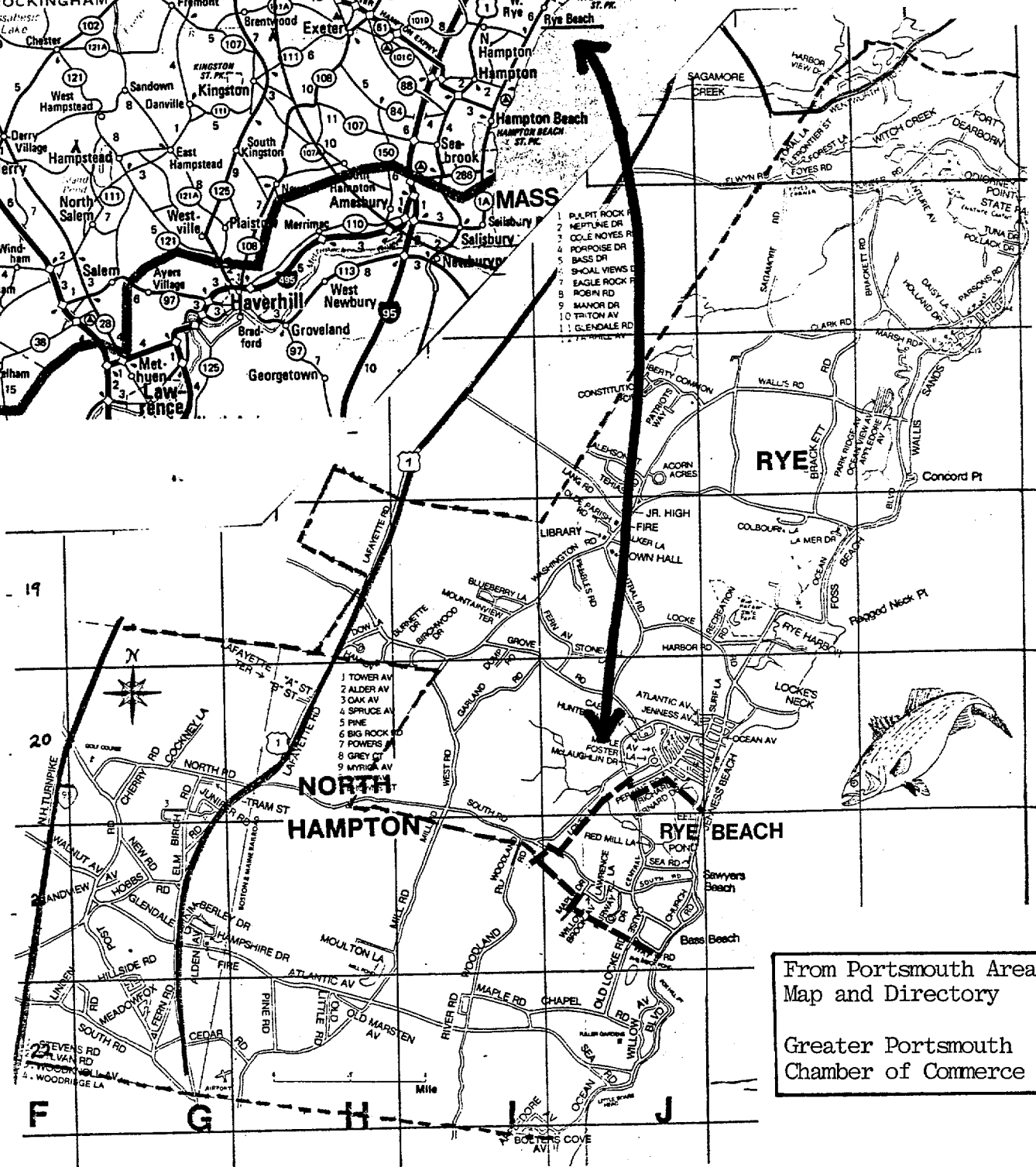
RYE BEACH

Rye Beach is a small area about one square mile at the southern end of the Town of Rye. It is bordered on the east by the Atlantic Ocean, on the south by the North Hampton Town line, on the west at a line east or almost parallel to Love Lane to Perkins Road, then running south on Central Road to a line southeast or a running almost parallel to Perkins Road and extending to the Atlantic Ocean above Eel Pond. (The maps on the next page show the relationship of Rye Beach to the Towns of Rye and North Hampton and to the area.) A legal description of the Village District is in Appendix C. The aerial view below shows the coastline of Rye Beach with the salt marsh south of the Farragut Hotel, the Abenaki Golf Course, Eel Pond and many homes.





Maps of Rye Beach
Showing Its Relation
To Adjacent Towns
And The Region



From Portsmouth Area
Map and Directory

Greater Portsmouth
Chamber of Commerce

Like most of Rye, its early settlement was based on agriculture as well as fishing. There were two mills: one at Burke Pond and the other at Red Mill. In 1805, houses on Central, Red Mill and South were occupied, most dominantly by members of the Jenness family as well as several Philbricks. As building continued in the 1800s, the economic base changed in Rye Beach.

The Rye Beach area was defined by hotels later in the 19th Century. "After 1873, Rye Beach, a small select area...was bordered by the Drake House, Farragut, Sea View and Sea."¹ At that time, "1500 people vacationed at Rye Beach," and spent "an estimated \$135,000 in the summer" compared to the total year farm income of \$75,000 for the Town.² Beginning in the 1840s with the Philbrick family who took in boarders, Rye Beach attracted the summer tourist. The Atlantic House was built in 1848 for that purpose at the Philbrick homestead site. The hotel offered daily excursions, a telegraph office and good food.

Throughout Rye's history in the 19th and 20th centuries, hotels burned and were often rebuilt. The lack of adequate firefighting was a consistent problem. The Farragut (former Atlantic) went through several buildings due to fires. During the 1870s, the hotels used the Concord Coaches to transport guests, many of whom travelled by rail. Electric cars from Rye Center to Portsmouth were used from 1899 to 1925. However, by the turn of the century the era of the large hotels was over, which was confirmed by later events.

In Rye Beach, a number of "cottages" were built by the well-to-do as summer homes, particularly between Red Mill Lane and the Farragut. They supplemented and replaced the hotels as the economic base of the area since the "cottages" required extensive staffs. St. Andrews-by-the-Sea, an Episcopal church built with the assistance of the Philbrick's (Farragut-land) and the Abbotts (Concord, Abbott Downing coaches - construction), was intended to serve the summer residents of Rye Beach and Little Boar's Head.

In 1903, a golf club was formed and the Abenauqui was laid out. A few years earlier, "Jenness Locke had built a swank beach pavillion where people without running water could take hot salt water baths in porcelain tubs. When no longer needed for this the Precinct residents bought it for a private beach club."³

As was evident in 1874 when Philbrick had "petitioned the Town to widen the street in front of the Farragut and construct a boardwalk,"⁴ residents of Rye Beach expressed different needs than the majority of the Town's residents. The Town, of course, benefited from the tax base provided by the large estates, and provided few services. Rye Beach residents expressed needs for street lights, sidewalks, and police and fire protection.

1. William M. Varrell, Rye on the Rocks, p. 73.

2. Ibid, p.44.

3. About Rye, Bicentennial Edition, p. 25.

4. Varrell, p. 72.



As a result, Rye Beach residents petitioned the State to allow them to form a separate town. However, a new Village District Act had been passed which allowed the residents to incorporate in order to receive additional services and still be part of the Town. In 1905, the Rye Beach Village District was incorporated. One of the first acts was to arrange for water service with the Hampton water company and to purchase firefighting equipment.

Even with these improvements, the Marden House on Sea and South Roads was destroyed by a fire which began in a gas car in 1912. In 1918, Sea View was torn down. However, a new hotel, the Stoneleigh was built at a cost of \$900,000 on Central Road by local residents. The hotel was not a success, and after being used as a school, the building was bought in 1950 by the Franciscan Order. Still owned by the Franciscans, it is presently a retreat center.

The residents also built a precinct building on Central Road about 1920 to house their equipment. A post office was on the first floor and a meeting hall on the second. The firefighting hose and chemical carts were kept in this building.

LEGAL BACKGROUND

Rye Beach Village District was created by a special act of the General Court in 1905 as Chapter 195. However, the general grant of power for Village Districts goes back to legislation that dates from 1849. It has been revised numerous times since then with a number of revisions in the 1960s. The 1905 special act defined for the Rye Beach Village District the area covered (see Appendix C), enumerated the powers by reference,

delineated the first meeting, and prescribed the date of the annual meeting. At that point the State had not enacted any zoning or planning enabling legislation to control the use of land within the District.

In 1937, the 1905 Act was amended expressly to give the Village District "...the exclusive power within its territorial limits to enact and enforce zoning regulations...(and) to enact and enforce planning regulations, together with all the powers with respect thereto..." This grant of power was given on May 11, 1937. By September 24, 1937 the Village District had enacted its first Zoning Ordinance. The Town of Rye itself, however, did not enact zoning until 1953. Interestingly, the general enabling statute for Village Districts does not include the power to enact planning or zoning regulations. Thus, the District's power derives from the 1937 amendment.

One can only speculate about that time, but presumably they enacted the zoning provisions to provide protection for the substantial real estate that had already been developed within the District and which could be distinguished from other developments along the coastline in Rye and further inland.

In 1943, the grant of power to the Rye Beach Village District was expanded further by the enactment of Chapter 262. That act provided that, "said district shall have all of the powers conferred upon towns by section 34 through 40 inclusive, of Chapter 51 of the Revised Laws of New Hampshire." Thus, the Rye Beach Village District has had the power to control land use activities within its boundaries for almost a half a century.

Although the Rye Beach Village District has exclusive zoning authority, the Town of Rye's Zoning Ordinance states that the Village District has "primary" zoning authority but "where it is silent, the Town's zoning applies."⁵ The Town of Rye's Zoning Ordinance also states that when the "Precinct's Subdivision Regulations...are silent, the Town's Subdivision Regulations apply." Both the Town and the Village District require a building permit and the Village District uses the Town's Building Codes. The Town also appears to require subdivision approval of developments in Rye Beach. At the present time, property owners are complying with two ordinances, two subdivision regulations, and two building permits.

Thus, there has been some confusion as to the legal relationship of the Village District and the Town. The Village District's State authorization dating from 1937 should mean exclusive powers, not concurrent powers. Hence property owners should only have to comply with one set of land use regulations from one governing body. A related concern is that the Town and Village District use different boundary lines for Rye Beach, particularly on Central Road.

In some areas, the Town of Rye provides exclusive services in Rye Beach. Basically, the Town of Rye provides certain municipal services including

5. Town of Rye, NH, Zoning Ordinance, Section I, E. Extent.

fire and police protection, library services, and public works and highways which the Village District does not provide. However, in the area of land use regulations, the Rye Beach Village District has exclusive powers in Rye Beach.

The Town taxes all residents in the Town of Rye for the services provided by the Town. However, the Village District also taxes its residents for additional services and facilities that are not provided by the Town of Rye, principally street lighting, sidewalks, and water service.

Since the recodified State Enabling Legislation has been developed, it is important for all jurisdictions allowed to have zoning ordinances to have them based on a master plan. Therefore, in order to have a valid Zoning Ordinance, the Rye Beach Village District should have an up-to-date Master Plan upon which the Zoning Ordinance is based.

MASTER PLAN

New Hampshire first adopted model statutes regarding master plans in 1935. In 1983, the laws were recodified and amplified resulting in RSA 674:2-4. That statute defines a master plan and what it must contain in order to be a valid document on which to base a zoning ordinance as well as growth management regulations, if desired.

Generally, the master plan shall "be comprised of a report or set of statements and land use and development proposals with accompanying maps, diagrams, charts and descriptive material to show as fully as is possible and practical the planning board's recommendations for the desirable development of the territory within its jurisdiction...The master plan shall be a public record,...the sole purpose and effect of which shall be to aid the planning board in the performance of its duties." RSA 674:2

A number of specific requirements are spelled out in the statute. If the District desires a complex zoning ordinance, the content of the master plan needs to be sufficiently sophisticated to support the regulations. According to RSA 674:18, "the local legislative body may adopt a zoning ordinance under RSA 674:16 only after a planning board has adopted the general statement of objectives and the land use section of the master plan as described in RSA 674:2, I and II." In addition to these two components, the master plan may include sections on housing, transportation, utility and public service, community facilities, recreation, conservation and preservation and other supporting reports.

The Courts have placed increased emphasis on the importance of a master plan. In the case of Patenaude v. Town of Meredith (1978), the New Hampshire Supreme Court stated, "Comprehensive planning with a solid statistical basis is the key element in land use regulation in New Hampshire." Also in 1978 in Beck v. Town of Raymond, the Court held invalid a growth control ordinance because it was not based on a

comprehensive plan and the planning did not have a solid scientific basis.

Many communities, especially in southern New Hampshire, have been faced with considerable population growth, increases in commercial and industrial uses, and increases in demands for various municipal services such as schools, fire and police protection, water and sewer service. In response, a number of communities have attempted to regulate growth by imposing growth management regulations. The courts and the Legislature now require communities to develop and adopt master plans and capital improvement programs prior to regulating growth through zoning, to show a good faith effort to make municipal improvements, to consider regional as well as local needs, and to avoid discriminatory actions.

Obviously, Rye Beach Village District is a small area within a larger governmental jurisdiction. With a limited land area, its options are also limited. It is the purpose of this master plan to inventory and describe Rye Beach, set policies for the future, and recommend appropriate land uses and regulations.

II. Assessment Reports

This chapter of the Master Plan includes assessment reports on the following topics: population and economic growth, housing, natural resources and existing land use, transportation, public utilities and services, community facilities, recreation, and historical resources, conservation and preservation.

It is the purpose of these individual assessment reports to inventory and describe Rye Beach Village District so that goals and policies may be established, future land use be recommended, and implementation methods be recommended for the future planning and development process of Rye Beach Village District.

Sources of information included the U.S. Census, the 1985 Rye Master Plan, the Water Quality Management Plan, historical maps and books, interviews with Rye Beach Village District and the Town of Rye officials, residents, and other pertinent resources, the U.S. Soil Conservation Service, the Rockingham Regional Planning Commission, and field observation. (See Appendix B for Bibliography.) Photographs were taken by The Thoresen Group. The photo below shows the outlet of Burke Pond.



POPULATION AND ECONOMIC GROWTH

Rye Beach is a Village District within the Town of Rye. Rye Beach Village District contains about 636 acres or about 7.7 percent of the Town's 8300 acres.

The Town of Rye's Master Plan contains a demographic and socioeconomic assessment which provides an overview of the Town. U.S. Census data is not available for only Rye Beach. Hence, the overview must be provided by the Town of Rye U.S. Census data with additional insight gained from local historical research and the 1986 survey of Rye Beach residents and property owners.

Population

The first European settlement in New Hampshire was in Rye in the Odiorne Point area in 1623 by David Thomson. Fishing was a primary activity in the early settlement, along with farming. By 1688, there were over 100 residents in Rye and by 1773 there were 842 including 19 slaves.¹ Two years later the census noted 14 Negroes and slaves for life. Rye's population was scattered throughout what is now known as the Town of Rye. Table 1 illustrates the population changes in Rye since 1790.

TABLE 1: TOWN OF RYE POPULATION CHANGES, 1790-1984

<u>Year</u>	<u>Population</u>	<u>% Change</u>	<u>Year</u>	<u>Population</u>	<u>% Change</u>
1790	958		1900	1,442	16.8
1800	975	1.8	1910	1,014	(11.2)
1810	1,092	12.0	1920	1,196	17.9
1820	1,193	9.2	1930	1,081	(9.6)
1830	1,275	6.9	1940	1,246	15.3
1840	1,320	3.5	1950	1,982	59.1
1850	1,397	5.8	1960	3,244	63.7
1860	1,326	(5.1)	1970	4,083	25.9
1870	1,087	(18.0)	1980	4,508	10.4
1880	1,111	2.2	1984	4,876	8.2
1890	978	(12.0)			

Sources: U.S. Census 1790-1980; 1984 Estimate by Office of State Planning, August, 1985

1. Parsons, History of the Town of Rye, 1905, p. 53.

In the 19th century, the Town's population peaked in 1850. The population in 1800 was almost identical in 1890. In the 20th century, Rye's population fluctuated with little real growth until the 1940s. Then in the past 40 years, Rye's population about tripled. In 1980, there were only 15 black residents in Rye or .3 percent of the population.

Regional Comparison. In comparing the Town of Rye with its neighbors and the region, it can be seen that between 1960 and 1970 it grew at a rate faster than New Hampshire (and Portsmouth) but slower than the regional planning commission area and Rockingham County. Between 1970 and 1980, Rye grew at a slower rate which was considerably less than the region, County or State. However, since 1980, Rye's rate of growth is considerably faster with its increase similar to the region. Throughout this period the region and County have grown faster than the State of New Hampshire as can be seen in Table 2.

TABLE 2: POPULATION OF SELECTED TOWNS AND AREAS

	<u>1960</u>	<u>1970</u>	<u>% Change</u>	<u>1980</u>	<u>% Change</u>	<u>1984</u>	<u>% Change</u>
RYE	3,244	4,083	25.9	4,508	10.4	4,876	8.2
No. Hampton	1,910	3,259	70.6	3,425	5.1	3,571	4.3
Portsmouth	26,900	25,717	(4.4)	26,254	2.1	28,651	9.1
Regional Planning Com.	77,972	106,459	36.5	134,145	26.0	145,580	8.5
Rockingham County	99,029	138,951	40.3	190,345	37.0	208,953	9.8
New Hamp.	606,921	737,681	21.5	920,610	24.8	977,000	6.1

Sources: 1980 U.S. Census and Office of State Planning (1984 Estimate)

Seasonal Population. It should be noted that the census population figures are for the year round population. Like other resort communities, Rye's summer population was considerably higher. For example, the Town's 1870 population was 1,087, yet 1,500 people vacationed at Rye Beach in 1873.²

2. Varrell, Rye on the Rocks, 1962, p.44.

The large summer population in Rye was located at Rye Beach, Jenness Beach, Rye Harbor, Wallis Sands and the remainder of the Atlantic coast. At first, residents took summer boarders in the 1830s. However, the development of hotels along Rye's shores signalled the change to a tourism based economy. In Rye Beach, the Atlantic House was built in 1848 on the Philbrick homestead site after the house was moved. Hotels were expanded, burned, rebuilt, and expanded through much of the 19th century until the late 1800s when the hotel era declined and private "cottages" were built for summer residents. The population of these summer cottages included the owners and their staff.

In 1986, a mail questionnaire was sent to Rye Beach residents and property owners. Of the 197 property owners and residents, 27 owners were located outside of Rye Beach including five commercial properties like the telephone and water companies. Nine percent of the respondents of the 1986 survey were seasonal.

Age Distribution. In the Town of Rye the age distribution of the population changed significantly between 1970 and 1980. In 1970, 36 percent of the population was aged less than 19 and 10 percent was aged 65 or older. The Rye population under age 24 declined between 1970 and 1980 by 14 percent while the remainder of the population increased by 29 percent. This shift toward an older population was reflected in Rye's median age being 35.2 in 1980, while the State's was 30.1. The 1986 Rye Beach survey contained an age distribution question. Table 3 shows the comparison between the Town and Rye Beach.

TABLE 3: AGE DISTRIBUTION IN RYE 1980 AND RYE BEACH 1986

Age Group	Rye 1980		Rye Beach 1986	
	Population #	%	Survey Respondents #	%
0-4	200	4.4	4	2.2
5-19	998	22.1	19	10.6
20-29	670	14.9	23	12.8
30-44	887	19.7	36	20.0
45-64	1,089	24.2	61	33.9
65+	664	14.7	37	20.5
Total	4,508	100.0	180	100.0

Sources: U.S. Census, 1980 and Rye Beach Survey, 1986

As Rye is to the State, Rye Beach is to Rye. That is, its population is older than Rye. Furthermore, the seasonal population as reflected in the survey, is predominately older with sixty one percent being aged 65 and older.

The Rye Beach survey also contained a question on length of residence in Rye Beach. The results of this question were correlated with the age distribution to determine the in-migration pattern and are shown in Table 4.

TABLE 4: 1986 YEAR ROUND POPULATION: AGE & LENGTH OF RESIDENCE

Age Group	Length of Residence by Percent				
	Less than 1 Year	1-5 Yrs.	6-10 Yrs.	10-20 Yrs.	More than 20 Yrs.
0-4	11.1	3.0	3.8	0	0
5-19	5.6	9.1	11.5	17.3	5.9
20-29	27.8	9.1	7.7	15.4	9.8
30-44	22.2	42.4	23.1	13.5	9.8
45-64	33.3	24.2	30.8	32.7	43.1
65+	0	12.1	23.1	21.1	31.4
Total (%)	100.0	99.9	100.0	100.0	100.0
(#)	18	33	26	52	51

Source: 1986 Rye Beach Resident Survey

This table indicates that the newer residents tend to be younger with few of retirement age. The residents of less than one year had a higher number of preschoolers and adults in their twenties. Those who had moved to Rye Beach 1-5 years ago tended to be 30-44. As the length of residence increased, so did the age distribution. Thus the long term residents had no preschoolers and the newer residents had no one over age 64.³

-
3. The seasonal population pattern was even more skewed with all long term seasonal residents being over 64 and only a few children shown in the seasonal population. There were no seasonal residents of less than one year who responded in the survey.

If the change in Rye Beach is reflective of the Town, the population age distribution indicates a younger population moving into Rye than indicated in the 1980 Census. However, the population, particularly in Rye Beach, is expected to remain older than the Town's population and State's population due to the residential character of Rye Beach.

As is true in most communities, in Rye there are more females than males. Table 5 indicates that there are more males under age 19 and more females aged 20 or more. As the population ages, the percent of females increases.

TABLE 5: AGE DISTRIBUTION OF SEX: TOWN OF RYE

Age Group	Male		Female		% of Total	
	#	%	#	%	M	F
0-4	108	4.9	92	4.0	54.0	46.0
5-19	504	22.9	494	21.4	50.5	49.5
20-29	334	15.2	336	14.6	49.9	50.1
30-44	437	19.9	450	19.5	49.3	50.7
45-64	525	23.9	564	24.4	48.2	51.8
65+	291	13.2	373	16.2	43.8	56.2
Total	2,199	100.0	2,309	100.0	58.8	51.2

Source: U.S. Census, 1980, Table 39A.

Marital Status. In Rye, more single people (never married) are males and more widowed people are females. Women tend to live longer which is reflected in the fact that in 1980, 11 percent of the women age 15 or older were widows while 2 percent of the men similarly aged were widowers.⁴ The trends of increased longevity, increased divorced population, and increased single population, particularly among females, translates into a decrease in household size. The 1986 Rye Beach survey did not ask any question about sex distribution.

4. For additional data about the Town of Rye, see the U.S. Census, New Hampshire, Table 39a, General Characteristic of Persons for Towns/Townships of 2,500 to 10,000, and the Rye Master Plan.

Education. About 87 percent of Rye's population aged 25 and older has completed high school and 29 percent college in 1980, figures which are considerably higher than the New Hampshire average of 12 percent and 18 percent respectively. In 1970, Rye's high school figure was 78 percent and college figure was 18 percent. As Rye has grown, its population has become more educated.

Economic Growth

There are few employment opportunities in Rye Beach and Rye. The Town is primarily a residential community with commercial development along Route 1, in some places along Route 1A, and scattered on several major arteries in Rye. There is little manifestation of commercial development in terms of buildings or signs in Rye Beach.

Rye is part of the Portsmouth-Dover-Rochester Metropolitan Statistical Area. The largest civilian employer in the region is the Portsmouth Naval Shipyard (located in Kittery, Maine) with Pease Air Force Base being the largest military employer. A number of major companies have moved into the seacoast in the past ten years which has expanded and strengthened the region's economic base.

In 1980, 2,176 Rye residents were in the civilian labor force, an increase of 37 percent. Most of this increase occurred in the female labor force which increased by 65 percent during the period. In 1970, the majority of the female Rye residents over age 16 were not in the labor force (58 percent). In 1980, the majority of the females were in the labor force (53 percent), a change which occurred throughout the country. This figure appears to be particularly high given the large number of residents aged 65 and older. It also may reflect the increase in number of divorced and widowed women many of whom may be employed outside the home.

The highest number of employed persons in Rye are in the wholesale and retail trade. Rye has 28.4 percent compared to the State's 19.2 percent. Traditionally, females are employed to a larger extent in this category, particularly in retail trade. Conversely, a low number are employed in manufacturing (18.1 percent compared to 31.9 percent in the State). The Town has a higher percentage employed in construction, finance, insurance, real estate and public administration all of which are reflective of the growth in the seacoast and the region's employers.

Given the educational level of Rye residents, the occupational characteristics of the labor force show a relationship. Managerial, professional, and sales are higher than the New Hampshire average in Rye. The earnings of Rye's labor force correspond with this education and occupation data. Rye's median household income of \$19,671 in 1980 was higher than the County or State, its persons per household was lower, and the percent of persons below the poverty level was 2.61 lower.

The 1986 resident survey indicated where people worked. The largest number were employed in Portsmouth with the remainder in Hampton, Rye Beach, Rye and in other New Hampshire and Massachusetts communities. Only one person was employed by the military, and one worked in New York. Since most of the Rye Beach residents own single family homes, it is assumed that the average household income is higher in Rye Beach than in Rye.

Future Population

The population of Rye Beach in 1986 is estimated to be about 442 given a population per household of 2.6. About 42 percent of the year round households responded to the 1986 survey and their population of 180 represents 41 percent of the estimated population. Thus, about ten percent of Rye's population is in Rye Beach.

It is very difficult to project the future population for such a small area. The State of New Hampshire's Office of State Planning annually projects population for the State's municipalities. However, the task has particularly been difficult for the State's smaller communities when one large development can have a major impact on projections. Past projections for the Town of Rye illustrate the problem.

The OSP projection in 1981 indicates that the Town of Rye's population would be 4,744 in 1985 (which is lower than the 1984 estimate). It projects a population of 4,984 in 1990 and 5,454 in the year 2000. Projections continue to the year 2030 when Rye is anticipated to have a population of 6,309.

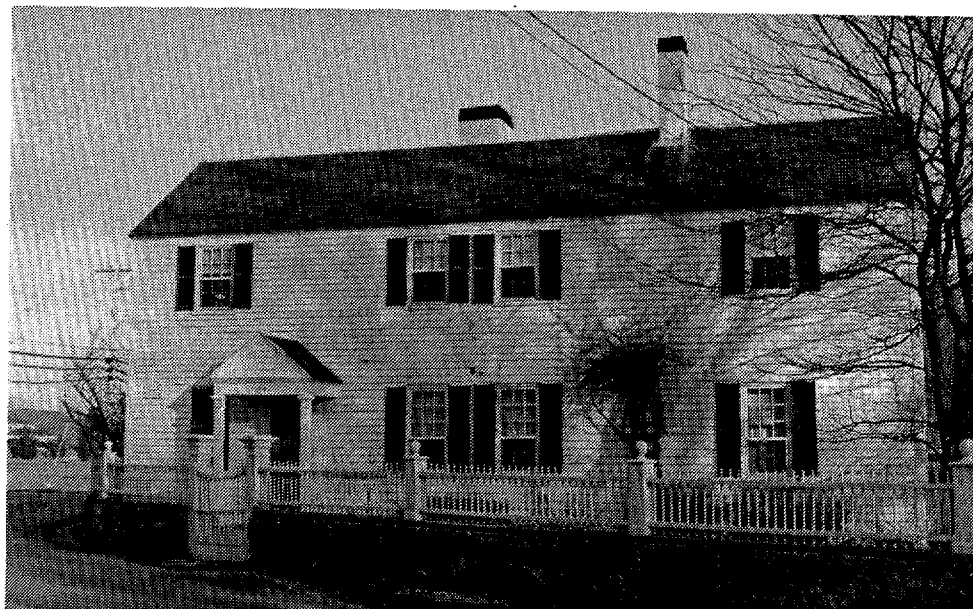
In the case of Rye Beach, there are several variables which affect population projections. Rye Beach has both sizeable homes and a former hotel which presently hold few people. There also is a vacant, relatively new hotel. In some communities such as Portsmouth such buildings have been converted to condominiums with multiple units. In Wells, Maine hotel units have been converted to residential condominiums.

Another factor in population projection is the amount of developable land available. In Rye Beach there is a limited amount of land suitable for development. The golf course, owned by the players, could ultimately face development pressure, but part of this land is wetlands and unsuitable for development. However, even with the factor of limited suitable land, it cannot be guaranteed that Rye Beach's potential population will remain ten percent of the Rye population. Nevertheless, that figure can be used as a guide in planning Rye Beach's future.

HOUSING

The following is a discussion of housing in Rye Beach Village District including styles, types, occupancy, tenure by race, condition, vacancy, financial data, regional needs assessment, and marketplace.

Styles. Due to its early settlement pattern and later development as a summer resort community, Rye Beach has examples of housing representing several eras. The maps shown in the Historical Inventory indicate development along Central Road, South Road, and Red Mill Lane occurred in the 18th century and continued in the 19th century. While some of the houses and mills shown on the early maps no longer exist, a number of the oldest structures remain. The houses 1729 Jenness House at 130 South (left) and the 1799 Joseph Dalton House at 900 Central were noted on the 1805 Phineas Merrill Map. (See Maps in Historic Resources.)



Between 1805 and 1851, development in Rye Beach continued as houses were built along Central and South Roads with the Atlantic House (an early hotel) anchoring Central Road. The 1851 map shows the addition of Sea Road and Causeway Road with a house on each road. Fish houses were shown along the ocean, south of Central Road. There were about 25 houses in Rye Beach by 1851. During this period a number of houses were built in the Greek Revival style.

Residential development in the later part of the 19th century represented several architectural styles. A number of houses including the Drake House have mansard roofs pierced with windows indicative of the mansard or French style. The Drake House (shown below), formerly a hotel, now contains apartments, one of the few buildings with rental units in Rye Beach.



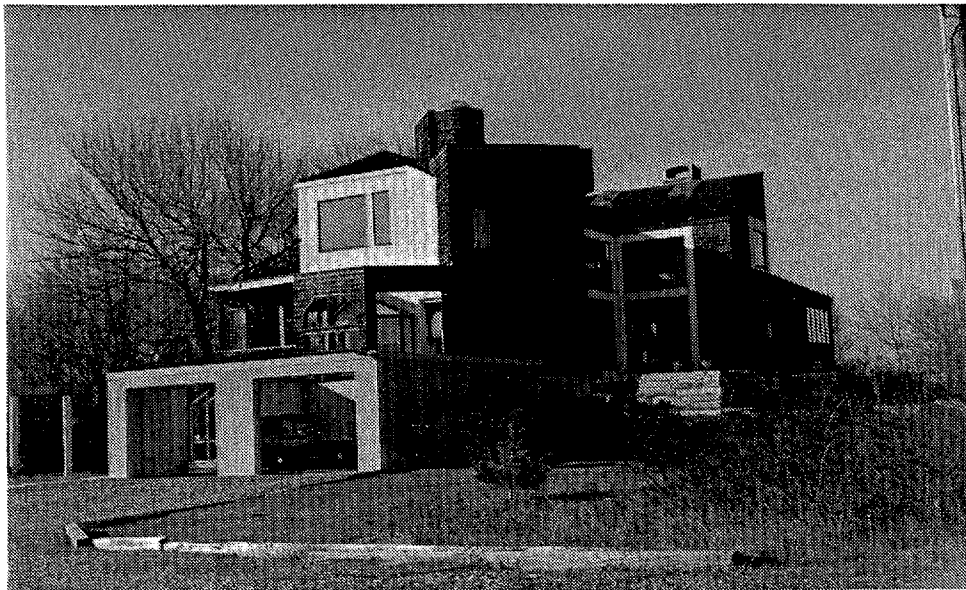
Other architectural styles built in the later 1800s and early 1900s include the Colonial Revival, Queen Anne, Shingle Style and Stick Style. The shingle style is particularly found in seasonal summer housing along the Maine and New Hampshire coast.



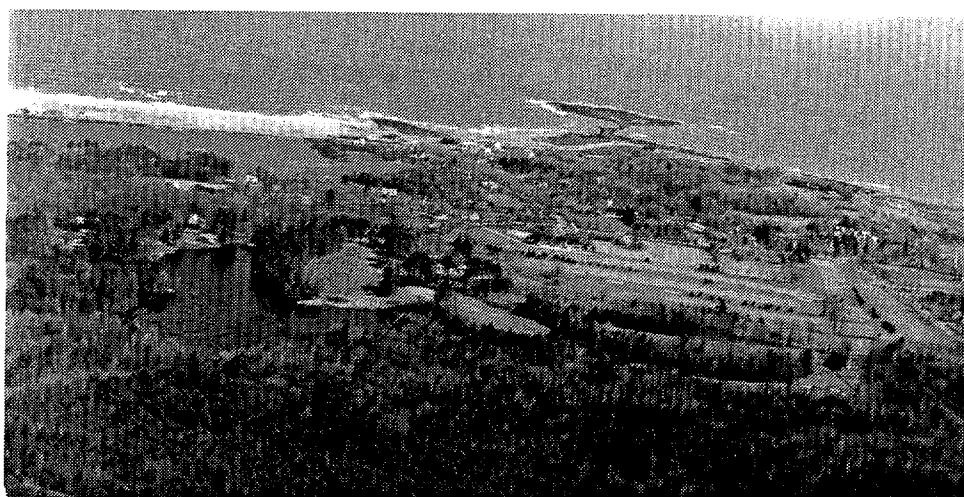
At the turn of the century a number of large summer houses were built on Central, Sea, and South Roads. Many of these homes have since been converted to year round use. In addition to the summer homes, the Stoneleigh Hotel was built during this period. Built in the Tudor style, it now houses guests of the St. Francis Retreat Center. Note in the photo below the precinct street light and sidewalk in front of this Sea Road house.



Since World War II, development of a more suburban character has occurred. Examples range from the ranch style to a very contemporary style such as shown here on Church Road. There are also examples of houses built as reproductions of an earlier style.



Types. These examples of housing in Rye Beach range from the small seasonal "fish houses" and single family homes to the large "cottages." There are no mobile homes. Condominium housing appears to be limited to seasonal housing north of the Rye Beach Club. Rental housing is limited to one apartment building, a duplex, and the rental of a year round or seasonal home. There is no special market housing, for example, retirement, health care oriented or subsidized housing in Rye Beach. Rye Beach is predominately a community of single family homes which are owner occupied. The aerial photograph below shows Burke Pond in the foreground, the golf course, and housing along the major roads in Rye Beach.



In 1970, the Town of Rye's housing stock was 82 percent single family, the same as the Town of Stratham, but higher than most communities in the seacoast. Table 1 on the following page compares the Town of Rye with its neighbors, the county and State.

Between 1970 and 1980, the growth in single family houses was at a rate faster than the growth in multi-family housing resulting in a higher percent of the total housing being single family in 1980. In both Rye and Stratham, the number of mobile homes declined in the 1970s. Rye's housing contained about 12 percent multi-family housing in 1980, considerably below the county average and about one half of the State's average.

The 1986 Rye Beach survey indicated that 93.5 percent of the respondents lived in single family housing. The remainder of the respondents lived in a duplex, apartment, or group home.

TABLE 1: HOUSING TYPES: 1970, 1980, 1982

	<u>Total</u>	<u>Single Family</u>		<u>Multi-Family</u>		<u>Mobile Homes</u>	
		<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>
RYE							
1970	1,455	1,188	81.6	206	14.2	61	4.2
1980	1,723	1,450	84.2	220	12.2	53	3.1
1982	1,876	1,562	83.3	242	12.9	72	3.8
Hampton							
1970	2,716	2,086	76.8	618	22.8	12	0.4
1980	4,444	2,814	63.3	1,533	34.5	97	2.2
1982	4,764	2,729	57.3	1,937	40.7	98	2.1
No. Hampton							
1970	1,031	802	77.8	105	10.2	124	12.0
1980	1,207	961	79.6	120	9.9	126	10.4
1982	1,301	1,017	78.2	133	10.2	151	11.6
Portsmouth							
1970	8,275	4,083	49.5	4,087	49.4	95	1.1
1980	9,424	6,397	67.9	2,837	30.1	190	2.0
1982	10,015	4,819	48.1	4,989	49.8	207	2.1
Stratham							
1970	457	373	81.6	43	9.4	41	9.0
1980	805	694	86.2	81	10.1	30	3.7
1982	971	816	84.0	130	13.4	25	2.6
Rockingham County							
1970	44,562	30,850	69.2	10,701	24.0	3,011	6.8
1980	65,951	47,498	72.0	13,502	20.5	4,951	7.5
1982	73,466	48,556	66.1	19,335	26.3	5,575	7.6
State of NH							
1970	246,789	157,372	63.8	78,410	31.8	11,007	4.5
1980	323,493	219,764	67.9	84,478	26.2	19,251	6.0
1982	365,558	229,043	62.7	114,206	31.2	22,309	6.1

Sources: U.S. Census 1970, 1980 and Office of State Planning and Rockingham Regional Planning Commission 1982.

Housing Occupancy. Most of the occupied housing units in Rye and Rye Beach were owner occupied. Based on the 1986 Rye Beach survey, the percent of owner occupancy is higher in Rye Beach (93.6 percent) than Rye (81 percent) in 1980.

In the Town of Rye about 3.6 percent of the housing is in multi-unit complexes with more than 9 units. Most of the multi-unit complexes are smaller in nature, such as duplexes, triplexes or large house conversions. In Rockingham County in 1980, 7.7 percent of the housing was in larger unit complexes, a percent higher than the State's average.

TABLE 2: OCCUPIED HOUSING: 1980

	Popul. per Hsg.	Persons Owner Occ.		Persons Renter Occ.		Persons in Occ.
	Unit	#	%	#	%	
RYE	2.61	3,262	80.6	873	19.4	4,496
Hampton	2.54	7,412	71.4	2,972	28.6	10,384
No. Hampton	2.83	2,959	86.7	452	13.3	3,411
Portsmouth	2.63	10,859	43.7	13,964	56.3	24,823
Stratham	3.10	2,214	88.7	282	11.3	2,496
Rockingham Cty.	2.84	143,517	76.5	44,049	23.5	187,566
State of NH	2.75	657,655	73.8	233,327	26.2	890,982

Source: 1980 U.S. Census of Housing, Tables 5, 29a and 36a.

Rye's population per housing unit is similar to Portsmouth's indicating an older and/or more single, widowed or divorced population. However, in Portsmouth over half the housing stock was renter occupied while less than 20 percent was in Rye. Thus, the population in Rye is more apt to live in larger quarters than that of Portsmouth and they are more apt to be owner occupied. Of the seacoast communities both Hampton (2.54) and Seabrook (2.47) have a lower population per housing unit and a higher percent of persons in rental units than Rye.

Tenure by Race. In most communities in New Hampshire, there is a very small population of black home owners and renters. Historically, there has been a black population in Rye since the 1700s when there were slaves and later freed slaves listed in the census. In the 1800s, some of the hotels had "colored" help. According to the U.S. Census of Population, there were 15 blacks in Rye in 1980, but none were reported in the U.S. Census of Housing shown in Table 3 below. It can be assumed that some of the black population should be householders, but not all fifteen.

TABLE 3: TENURE BY RACE AND SPANISH ORIGIN OF HOUSEHOLDER: 1980*

	Owner Occupied				Renter Occupied			
	White	Black	Spanish	Total	White	Black	Spanish	Total
RYE	1,303	--	--	1,315	405	--	--	408
Hampton	2,589	2	9	2,596	1,476	4	8	1,490
No. Hampton	1,012	--	5	1,015	191	--	--	192
Portsmouth	3,772	73	24	3,878	5,243	230	63	5,546
Stratham	688	4	--	692	111	2	--	113
Rock. Cty.	46,368	168	164	46,765	18,704	312	157	19,186
State of NH	217,433	458	744	218,823	103,041	766	806	104,670

*Tables do not all add due to reporting discrepancies.

Source: U.S. Census of Housing, 1980 Tables 5, 18, 29a, 36a and 46.

Portsmouth, in part due to Pease Air Force Base, has the largest black population in the area representing 63 percent of Rockingham County's total. Likewise there are few people with Spanish origins in the area. Portsmouth has 27 percent of the total Spanish origin residents in Rockingham County and Rye has none.

Housing Condition. All but sixteen units of Rye's housing in 1980 had complete plumbing facilities. Four had no plumbing facilities. Most of the housing units in the area have complete plumbing and meet today's standards. Table 4 shows a comparison of Rye and its neighbors. Rye, North Hampton and Stratham have almost identical housing condition characteristics.

TABLE 4: HOUSING CONDITION, 1980

	Total Occupied	Complete Plumbing	Lacking Plumbing	No Plumbing Faciliites	Percent Complete Plumbing
RYE	1,723	1,707	16	4	99.1
Hampton	4,086	4,004	77	5	98.0
No. Hampton	1,207	1,197	10	1	99.2
Portsmouth	9,424	9,248	176	37	98.1
Stratham	805	798	7	6	99.1
Rockingham County	65,951	64,951	1,000	158	98.5
State of NH	323,493	315,486	8,007	1,316	97.5

Source: 1980 U.S. Census of Housing, Tables 5, 18, 29a, 36a and 46.

Housing Vacancy. As is seen in Table 5, in 1980, 7.7 percent of Rye's year round housing was vacant, compared to 5.0 percent of the County's units and 7.4 percent of the State's. Rye, Hampton and North Hampton all had vacancy rates higher than the county and State average. Perhaps related to the vacancy rate was the high medium price asked for the housing. The figure for Rye of \$97,000 was considerably higher than its neighbors or the County or the State. Both Rye and Stratham have a sizeable amount of newer housing which is reflected in the higher prices. Portsmouth, Hampton and North Hampton had vacant units for sale lower than the county average, indicative of older and/or smaller units.

The median rent asked for vacant units in Rye was slightly higher than its immediate neighbors, but less than that of Hampton, Seabrook, the County or Stratham which had the highest median rent asked for vacant units in the area in 1980. This discrepancy reflects the older housing stock in Rye, some of which was converted to year round rental units from seasonal units. The price of rental property in Rye more closely approximates that of Hampton.

The desired vacancy rate in a community is two percent for owner occupied units and six percent for renter occupied.² If the vacancy rate is lower, there is less choice for the occupant and rates often increase in response to such demand. Stratham and Portsmouth had the lowest vacancy rate in the area in 1980.

TABLE 5: YEAR ROUND HOUSING VACANCY STATUS: 1980

	Vacant	Total Year Round	Percent of Total	Median Price Asked	Median Rent Asked
Rye	144	1,867	7.7	\$97,000	\$240
Hampton	358	4,444	8.1	54,600	250
No. Hampton	45	1,252	17.9	52,500	225
Portsmouth	448	9,872	4.5	56,000	214
Stratham	38	843	4.5	81,300	321
Rockingham County	3,459	69,410	5.0	57,100	257
State of NH	25,722	349,215	7.4	47,000	208

Source: 1980 U.S. Census of Housing, Tables 18, 29a, 31a, 36a, 46a and 48.

Housing Financial Data. Table 6 contains data on the median price asked for vacant housing and the specified owner and renter occupied units. In Rye, Portsmouth, Stratham, the County and the State the price asked for vacant housing units was higher than the median cost of owner occupied units, but in North Hampton and Hampton it was lower. The comparison of the rent asked versus occupied unit rent shows that Rye's rent being asked was slightly lower than its median rental costs.

Also of note in Table 6 is the new category condominium. In 1980, none were listed in Rye, which was true in a number of towns. In Rockingham County condominiums were less expensive than other owner occupied housing by about twenty percent. However, in the State and Hampton, condominiums were more expensive. This appears to reflect the higher cost of new single family homes in Rockingham County. Recently, condominiums have been created either from conversion of older

2. See "Housing Element Update," Strafford Rockingham Regional Council, June 1979, pg. 23f for a discussion of this concept.

structures or building new units often at less cost than single family housing.

TABLE 6: FINANCIAL CHARACTERISTICS OF OCCUPIED HOUSING: 1980

	Specified Owner-Occupied		Owner-Occupied Condominiums		Specified Renter Occupied	
	<u>#</u>	<u>Median</u>	<u>#</u>	<u>Median</u>	<u>#</u>	<u>Median</u>
Rye	1,074	\$74,800			393	\$252
Hampton	2,066	58,100	77	66,800	1,473	249
No. Hampton	750	65,600			179	251
Portsmouth	3,212	49,100	22	44,200	5,324	208
Stratham	527	66,700			103	270
Rockingham County	34,536	54,200	689	44,700	18,428	240
State of New Hampshire	155,991	48,000	2,083	50,400	100,391	205

Source: U.S. Census of Housing, Tables 9, 20, 31a, 37a, and 48.

It is interesting to compare the median owner-occupied housing costs with median household income. Table 7 contains data on income and poverty status. Of the communities in the immediate area, Rye has the third highest median household income, an indication that it can afford more expensive housing. Rye, North Hampton and Stratham all had a median household income higher than Rockingham County. Portsmouth, the largest community in this group, had the lowest household income.

Below is a ranking of the top three communities with number 1 being the highest median income or housing expense.

	<u>Household Income</u>	<u>Owner Occupied Units</u>	<u>Renter Occupied Units</u>
Rye	3	1	2
No. Hampton	2	3	3
Stratham	1	2	1

TABLE 7: INCOME AND POVERTY STATUS: 1980

	Median Household Income	Number of Households	Persons per Household	% of Individuals Below Poverty Level
Rye	\$19,671	1,723	2.6	6.0
Hampton	18,053	4,086	2.6	7.7
No. Hampton	20,545	1,207	2.8	3.9
Portsmouth	14,426	9,424	2.8	9.3
Stratham	22,621	805	3.1	6.6
Rockingham County	18,993	65,951	2.9	6.6
State of New Hampshire	17,013	323,493	2.8	8.5

Sources: Rockingham Planning Commission, "Regional Housing and Community Development Plan," 1985, Table 2.

Using the criteria that no more than 25 percent of the household income should apply to housing, Rye residents should not have paid more than a mean of \$4,918 annually or \$410 monthly in housing costs in 1980.³

Another finding as shown in Table 7 is that Rye has a lower percent of individuals below the poverty level than Rockingham County, a pattern which is not too surprising given the median income and housing costs. Indeed in 1980, 5.9 percent of the households in Rye earned less than \$5,000 annually while 7.8 percent earned more than \$50,000 annually. In comparison to the County, Rye had higher percentages of people earning higher incomes which caused the median household income to be relatively high.

Almost 20 percent of the households in Rye had an income of less than \$10,000 in 1980. Again using the 25 percent criteria, the annual housing costs should not exceed \$2500 annually or \$208 monthly. The

3. The consumer price index in May 1980 was 239.9 and in March 1970 was 114.5. The most recent cpi figure in March 1985 was 315.3. This substantial cpi increase means all cost figures should be increased accordingly to reflect 1985 rates.

median rent asked for vacant housing was \$240 in 1980 and the actual median rent was \$252. Based on these criteria, some people may be using a higher percentage of their income to live in Rye.

Regional Needs Assessment

In 1978/9, the Strafford Rockingham Regional Council undertook a regional housing study to measure regional housing needs. Housing need includes those who are overpaying and those living in overcrowded or substandard units. Overpaying was defined as paying more than 1/4 of the adjusted income on housing and overcrowded was defined as more than 1.1 persons per room and/or living in unsafe or unsanitary units.

Rye was grouped with other towns in Sector V.⁴ In Sector V, these were the findings for 1977:

- 1) The population was 33,656.
- 2) Of 10,857 households, 1,095 were overpaying and 1,887 were overcrowded or substandard.
- 3) Of 2,356 elderly households, 566 were overpaying and 432 were overcrowded or substandard.
- 4) 8.18 percent of the households, or 888 households, were at or below the poverty level.
- 5) The owner occupied vacancy rate was .48 percent indicating that 102 units were needed to meet the deficit.
- 6) The renter occupied vacancy rate was 2.86 percent indicating a need for 130 units to meet the deficit.

The elderly population thus had 24 percent of its population overpaying and 18 percent overcrowded or substandard. The balance of the population had 6 percent overpaying and 17 percent overcrowded or substandard. Thus, the elderly population tends to be overpaying and the non-elderly population tends to be overcrowded and/or living in substandard units.

The regional housing study concluded that 2,924 new units were needed in Sector V including 635 for the elderly and 411 for lower and moderate income people with the rent or mortgage being in the \$200/ month range. It recommended that towns not having Housing Authorities apply to the NH Housing Commission for housing assistance for 25 percent of the households that are overpaying, overcrowded, or substandard. The report also acknowledged that the NHHC could not fund all the requests if this occurred. The regional planning commission did not allocate a "fair share" by formula to the towns within each sector.

In 1980, there were 26 units classified as overcrowded in Rye or 1.5 percent of the households. Sixteen units were considered substandard. Six percent of the households were below the poverty level.

4. Besides Rye in Sector V were: Newington, Greenland, Portsmouth, New Castle, North Hampton. See the "Housing Element Update" for more detail.

Recent NH court decisions and State statutes indicate that communities cannot arbitrarily exclude a range of housing types. It has been argued that a lack of lower cost housing in a community is discriminatory against lower and moderate income people.

According to the 1985 Rockingham Planning Commission regional housing study:

Many communities in the region have an established policy of providing for their fair share of the regional housing demand, not only in terms of the numbers of units built, but also in terms of the type of units built. This policy is based on the understanding that a community is made up of a wide range of individuals from different income brackets. To accommodate the needs of people who live and work in the region, housing must reflect the demands and diversity of the local markets.

The Town of Rye allows the qualified elderly a property tax exemption which 26 residents used in 1983. However, there is no subsidized housing in the community. Thus, residents must move from Rye to Portsmouth or other communities with such alternatives if they desire such alternatives.

Existing Marketplace

In the winter of 1986, there were only three houses on the market in Rye Beach Village District. One, a four bedroom, 3500 square foot house on a 18,000 square foot lot with a pool which backed up to Eel Pond, was selling for \$385,000 (assessed at \$52,450). The second, built around 1900, with 21 rooms (10 bedrooms, 7 baths and a guest house) on 2.41 acres, was selling for \$800,000 (assessed at \$110,500). The third, a smaller four bedroom house with a two bedroom guest house on 1.2 acres was selling for \$300,000 (assessed at \$44,750). (The 1985 rate of assessment was 28 percent while in 1986 it will be 100 percent. If the houses were assessed at 100 percent, the asking prices of the three houses would be 106, 103 and 88 percent higher than their assessed value.)

It can be said that Rye Beach Village District is a comparatively high priced residential area. In general, properties with waterfront views are higher priced than a similar property without the view. It was mentioned by one realtor that the possibility of the sewage treatment plant being put in Rye Beach Village District would be a possible deterrent to the high-price purchaser; on the other hand, it could also be argued that an effective sewerage system could be a selling point to prospective buyers. All three of the above mentioned houses are within the area with sewers. Many of the properties within Rye Beach are not in the sewer area and hence are not affected directly by the issue, unless, of course, the treatment plant was sited outside of the sewer area.

5. Rockingham Planning Commission, "Regional Housing and Community Development Plan," April 1985, p.7.

NATURAL RESOURCES AND LAND USE

The natural resources and land use in Rye Beach are limited due to the small size of the area. In addition to the obvious natural resources of the Atlantic Ocean, the eastern boundary of the precinct, there are a considerable number of inland natural resources. Much of the data which follows is based on the Water Quality Management Plan of the Town of Rye which contains extensive natural resource data including maps.. These maps were reviewed and incorporated into the relevant discussions on Rye Beach.

Topography

Rye Beach is located in the most southeastern section of Rye. The topography of Rye is characterized by gently sloping (3-8 percent) low hills separated by swampy lowlands. Rye is bisected by a central ridge running northeast to southwest; this ridge is crossed by five minor ridges running easterly to the ocean. The ridge along which Central Road in Rye Beach runs, is one of these minor ridges. In between these ridges are tidal and fresh water marshes. The elevation in Rye Beach varies from sea level to 20-40 feet on its western border.

Surficial Geology

The Water Quality Management Plan has a concise description of the surficial geology of the Town of Rye:

The bedrock that underlies Rye is mainly granite and mica schist interspersed with other materials. Along the Coast the mica schist is finer textured than elsewhere and is similar to phyllite in characteristics.

The area was once covered by a glacier of the Wisconsin age. When the glacier receded it left two main types of deposits--non-stratified, unsorted glacial till and stratified, water-sorted, gravelly glacial outwash...

The till is generally stony and has characteristics similar to those of the underlying rock. It varies in depth, but in most places it is 4 to 5 feet deep. In a large part of the area, the till is shallow and outcrops are common.

The glacial outwash is less extensive than the till. It was deposited by the water from the melting ice of the glacier.

As the glacier melted, deposits of marine clay were laid down along the coastal areas. The land was depressed by the weight of the ice so that several miles inland from the coast the deposits of marine clay were interfingered with deposits of till and glacial outwash. This caused the soils pattern to be complex.

Sand and gravel were swept from the glacial deposits along the sea-shore, and were cast up by storm waves into low even-crested beach ridges above the level of highest tides. Coarse material is cast up by high waves to the higher parts of the beach, but only fine materials can be dragged out seaward by backwash.

Into the broad, sheltered lagoons behind the beaches, mud and silt have been carried in by the incoming tides. Part of the silt has been caught by the salt-tolerant grasses to build extensive mudflats and salt marshes. The long, slow rise of sea level during the construction of marshes is proved by the presence, from top to bottom, of roots and tissues of the very same grasses which are found on the surface today.¹

There are four types of surficial geology in Rye Beach. Beach deposits are along Ocean Boulevard in two areas: from south of Central Road to the North Hampton border and from the Rye Beach Club north to and including Jenness Beach. The Eel Pond area and Causeway Drive west to Fairway Drive area are considered glacial till. A small area from Richards Avenue south and west to Bailey Brook is ice contact deposits. The remainder of most of Rye Beach is alluvium (the sediment deposited by flowing water).

Hydrology

Rye Beach is contained within the Bailey Brook/Eel Pond drainage basin which has a 2.6 square mile watershed area. Bailey Brook is a fast moving stream in comparison with the other brooks in Rye. It traverses several ponds and wetlands on its 2.9 mile course and discharges into brackish Eel Pond.



1. Water Quality and Management Plan, pp. 15-16.

The outlet of Eel Pond is artificially controlled above maximum tides and discharges to the ocean through a conduit under Route 1A.

Groundwater conditions are highly variable and no precise study or mapping has been done. However, in the Bailey Brook drainage basin groundwater is generally found at a depth of 8 feet in the upland areas. Information that is available shows the groundwater flow to be in the direction of the surface gradient, towards Bailey Brook.

Floodplains

On the coast, the floodplain extends inland to a mean sea level elevation of approximately 11 feet. The coastline is a flood hazard area according to HUD standards and mapping. The Town of Rye participates in the flood hazard insurance program. Exceptionally high tides caused by storms cause the brackish nature of Eel Pond.

In the inland areas, floodplains are confined to undeveloped wetlands. The flood hazard area includes the Bailey Brook drainage system, the Eel Pond area, and the southernmost part of Rye Beach east of Fairway Drive to the ocean. Several golf course holes of the Abenaki Golf Course are within this area as is the tidal salt water marsh.

Wetlands

Rye Beach has both fresh water and tidal wetlands, though the fresh water wetlands are far more extensive. They play an important part in the ecosystem and quality of water. They also pose considerable development constraints due to their high water table conditions, poor drainage, slow percolation rates for certain septic systems, unstable soil conditions and inclination to flooding. "The filling of wetlands and those areas of poorly drained and very poorly drained soils for real estate development or other land use purposes constitutes the most severe threat to the ecology of the wetlands."²

Wetlands also provide several benefits to a community. They aid flood control due to their capacity to absorb water. They serve as natural buffers to minimize coastal storm damages. Wetlands can decrease pollution problems by reducing contamination of both surface and groundwater. They also can serve as a wildlife habitat and provide a critical link in food production for waterfowl and marine species.

The wetlands encompass and expand on the areas described in the floodplains section. Eel Pond contains about 37 acres which supports a diversity of both coastal and freshwater marsh flora. It is particularly noted for its bird habitat.

Burke Pond contains about 2.2 acres. Located downstream of Locke Pond via Bailey Brook, it is particularly noted for its stand of Atlantic White Cedar. The New Hampshire coastline is the northernmost place where this tree species grows.

2. Ibid, p. 27.

Agriculture

Prior to the establishment of the coastal summer tourist community, the economic base of the Town of Rye was agriculture. The 1976 land use map showed agricultural use off Maple Street to the North Hampton border and along South Road in the westernmost part of Rye Beach. There does not appear to be any agricultural use in 1986, although there are soils which are suitable for agriculture.

Other Unique Coastal Resources

Under the Recreation Inventory, both Sawyers Beach and Bass Beach are described. In the discussion on Water Quality, Bass Beach is described as not being safe for swimming at the present time due to pollution. Between the beaches is an area known as Rye Ledges, a rock outcropping into the Atlantic Ocean, which provides another scenic view along the coast.

Although it is known that there were mills and residential development in Rye Beach, archeological research could provide evidence of the extent of the early historic development including possible native American use of the Eel Pond area and Bailey Brook watershed.

Slope

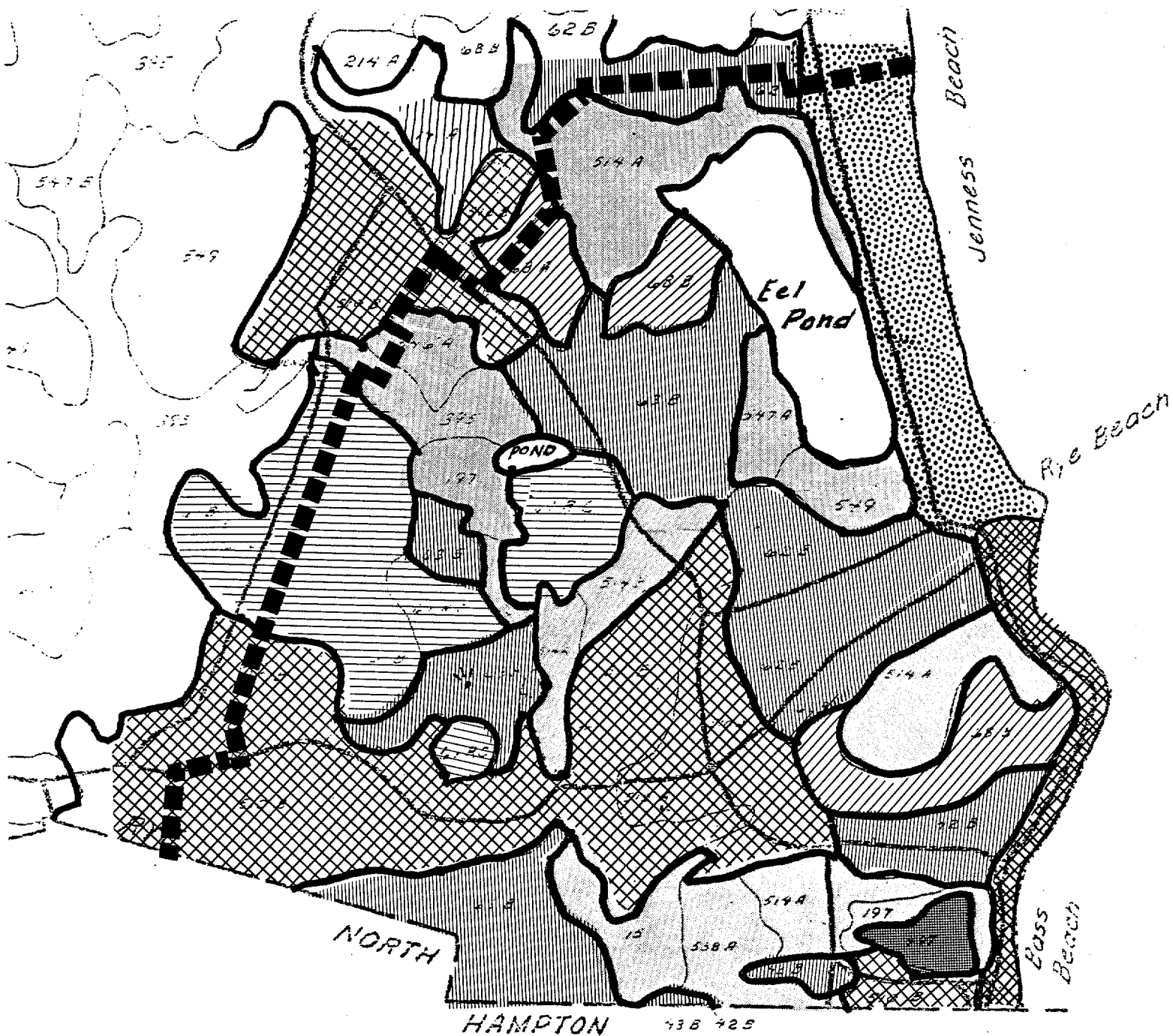
Slope is a measurement which refers to the distance which terrain rises and falls as expressed in a percent. Slope is an important criteria in land use planning because the suitability of development is related to factors affected by slope such as erosion, runoff, sedimentation, pollution, septic system, building design, site and building costs. Land with no slope, such as a wetland, or land with very steep slope may not be suitable for any development. All land in Rye Beach is classified as having 0-3 percent or 3-8 percent slope according to the U.S. Soil Conservation Service Soil Survey.

Soils

Knowledge about soils is significant in land use planning. Information on soil characteristics can help determine development limitations. Development can be directed away from critical natural resources and toward suitable soils. For example, areas with unstable soil conditions, high water tables and poor percolation rates cause constraints on foundations as well as septic systems.











In 1974, the U.S. Soil Conservation Services mapped the Town of Rye, including Rye Beach, at a scale of 1"=1000'.³ A copy of the Rye Beach section of the map is on the following page.

3. The soil numbers were taken from this 1974 map. Some names may differ from those in the Water Quality Management Plan due to the fact that this Master Plan used the most recently updated description sheets provided by the S.C.S.



RYE BEACH VILLAGE DISTRICT SOIL MAP
 USDA - SOIL CONSERVATION SERVICE - NOVEMBER 1974
 Scale 1" = 1000'



- | | |
|---|--|
|  Group 1: Wetlands |  Group 6: Deep Stony |
|  Group 2: Seasonal Wet |  Group 7: Clayey (None) |
|  Group 3: Sand & Gravelly |  Group 8: Tidal Marsh |
|  Group 4: Shallow-to-Bedrock | Group 9: Beaches |
|  Group 5: Hardpan (None) |  Sandy |
| |  Cobbly |

The following soils were found in Rye Beach.

Group 1: Wetland: 15, 197, 395, 514, 538, 546, 547, 549

Group 2: Seasonal Wet: 14, 68

Group 3: Sand and Gravelly: 510

Group 4: Shallow to Bedrock: 61B, 61RC

Group 5: Hardpan Soils: None

Group 6: Deep Stony: 42, 43, 62, 63

Group 7: Clayey: None

Group 8: Tidal Marsh: 497

Group 9: Other - Tidal Shore and Ponds: 98, 757

Wetland soils in Group 1 are Scarboro, Muck, Chocorua mucky peat, fresh water wetlands, Leicester, Walpole and Squamscott loam. They are poorly and very poorly drained soils categorized by a seasonal high water table at or near the surface and legally designated as wetland. They predominate in all lowland areas above the influence of tide water and occur at elevations "from 10 to 30 feet with the exception of some at higher elevations in the upper reaches of Bailey Brook."⁴

There is one sandy and gravelly soil in Group 3 in Rye Beach, a Hoosic gravelly loam. This is an excessively drained, gravelly soil with rapid permeability. It is found predominantly in a narrow band from 500 to 3,000 feet wide at the crests of the ridges found in Rye. These are 30 to 150 feet in elevation. The soils are "droughty and exhibit exceedingly high permeabilities."⁵

The only example of a shallow-to-bedrock soil in Group 4 in Rye Beach is a Chatfield-Hollis-Canton soil. It is characterized by both shallow-to-bedrock Hollis and deeper Chatfield and Canton series soils. It has a thin mantle of glacial till which overlies bedrock in varying depths and is 10-100 feet in elevation.

There are two types of deep stony soils in Group 6: the Canton fine sandy loam and Charlton very stony loam. They serve as a transition between the somewhat droughty soils on ridges and wetland soils in lowlying areas. They are moderately drained, formed in glacial till, have a seasonal high water table one to four feet from the surface, and are found primarily at elevations from 30-60 feet.

4. Water Quality Management Plan, p. 17.

5. Ibid, p. 16.

There is one tidal marsh soil in Group 8 located near the North Hampton border north of Causeway Drive. This saline soil is a Pawcatuck mucky peat. It consists of very poorly drained organic soils predominant in lowlying areas behind barrier beaches, occurs at elevations from sea level to 8 feet, and contains sulfidic materials.

The Tidal Shores, Group 9, soils are classified as sandy beach and cobbly or stony beach. North of the Beach club along the Atlantic Ocean are sandy beaches, while Bass Beach is classified a cobbly beach. Both of these soils are washed and rewashed by waves and may be partly covered with water during high tides or storms. The two ponds are Eel Pond and Burke Pond.

These soils in the Rye Beach Village District have been grouped and are represented in Table 1 below:

TABLE 1: SOILS' GROUPING IN RYE BEACH

Group	Type	No. of Acres	Percent
1	Wetland	141	22.2
2	Seasonal Wetland	41	6.4
3	Sandy and Gravelly	141	22.2
4	Shallow-to-Bedrock	60	9.4
5	Hardpan	0	0
6	Deep Stony	146	23.0
7	Clayey	0	0
8	Tidal Marsh	6	.9
9	Tidal Shore	62	9.7
	Ponds	39	6.1

The dominant soils are wetlands which cover much of the middle section of Rye Beach following the Bailey Brook and the Eel Pond areas as well as the southernmost area east of Fairway Drive. The sandy and gravelly area are predominantly along the South Road area west of Fairway Drive. Shallow-to-bedrock soils are in the Sea Road and South Road area east of Central Road. Deep stony soils are in the northern area by Central Road.

Suitability for Development

By combining soil and slope data, it is possible to suggest areas which are most suitable, suitable or least suitable for development. Of course, within these areas there may be specific locations which are suitable based on on-site testing. Table 2 illustrates these development constraints.

TABLE 2: DEGREE OF DEVELOPMENT CONSTRAINTS FOR SEPTIC SYSTEMS AND HOUSING WITH BASEMENTS

Soil Group	Slope 0 - 8%	Soil Group	Slope 0 - 8%
1: Wetland	●	6: Deep Stony	★
2: Seasonal Wet	■	7: Clayey	●
3: Sandy Gravelly	★	8: Tidal Marsh	●
4: Shallow-to-Bedrock	●	9: Tidal Shores & Ponds	●
5: Hardpan	■		

The Development Constraints key is explained below.

- ★ Most suitable. This combination of soil and slope has the least number of constraints for development. Generally, these soils are best suited for accommodating septic systems (without potential for groundwater pollution) and for housing. Minimum lot sizes (with one dwelling unit per lot) could range from 30,000 square feet to 45,000 square feet.
- Suitable. This combination has a higher level of development constraints. While development can take place in these areas, problematic conditions can be expected which will necessitate a large lot size. Minimum lot sizes might run from 40,000 to 80,000 square feet.
- Least suitable. This combination has the highest level of development constraints. It does not mean, however, that no development can or should take place. It does suggest that the building location and subdivision layout would have to be carefully placed to avoid problem areas. Minimum lot sizes would be in excess of 80,000 square feet. This category also includes soils/slopes which have such poor development characteristics that the land should remain in open space. These lands include flood plain and/or wetland soils which are poorly drained.

Most of the land (about 80 percent) in Rye Beach is considered unsuitable for development due to poor soils. In general, the area from Eel Pond and Burke Pond (Bailey Brook) south to North Hampton is considered unsuitable. There are two areas considered suitable: along Central Road to north of Red Mill Lane and along South Road east to Fairway Drive. There is one small area marginally suited for development on Spruce Lane and two other longer areas: north of South Road and west to Love Lane and in the Richards Avenue area of Rye south and east to Eel Pond.

Current Land Use

While the natural resource inventory focused on natural conditions in Rye Beach, it did not reflect completely the current land use. Rye Beach's land use has changed little in the past 60 years with the exception of some additional single family residences and the Farragut Hotel. However, Rye Beach has experienced during this time a conversion of seasonal homes to year-round use and the conversion of two hotels to apartments and a religious retreat. The status of the Farragut Hotel remains unknown.

The map on the next page shows in a generalized manner the current land use in Rye Beach. By using property records, it is possible to determine the amount of acreage in various types of land use. The current land use data can be seen in Table 3. The totals from the property map are lower than the soils map because the soils map includes about 60 more acres of both oceanfront beach and land in single family use. Furthermore, the Town of Rye property map has inaccurate acreage allocations on a number of properties and is now being completely redrawn.

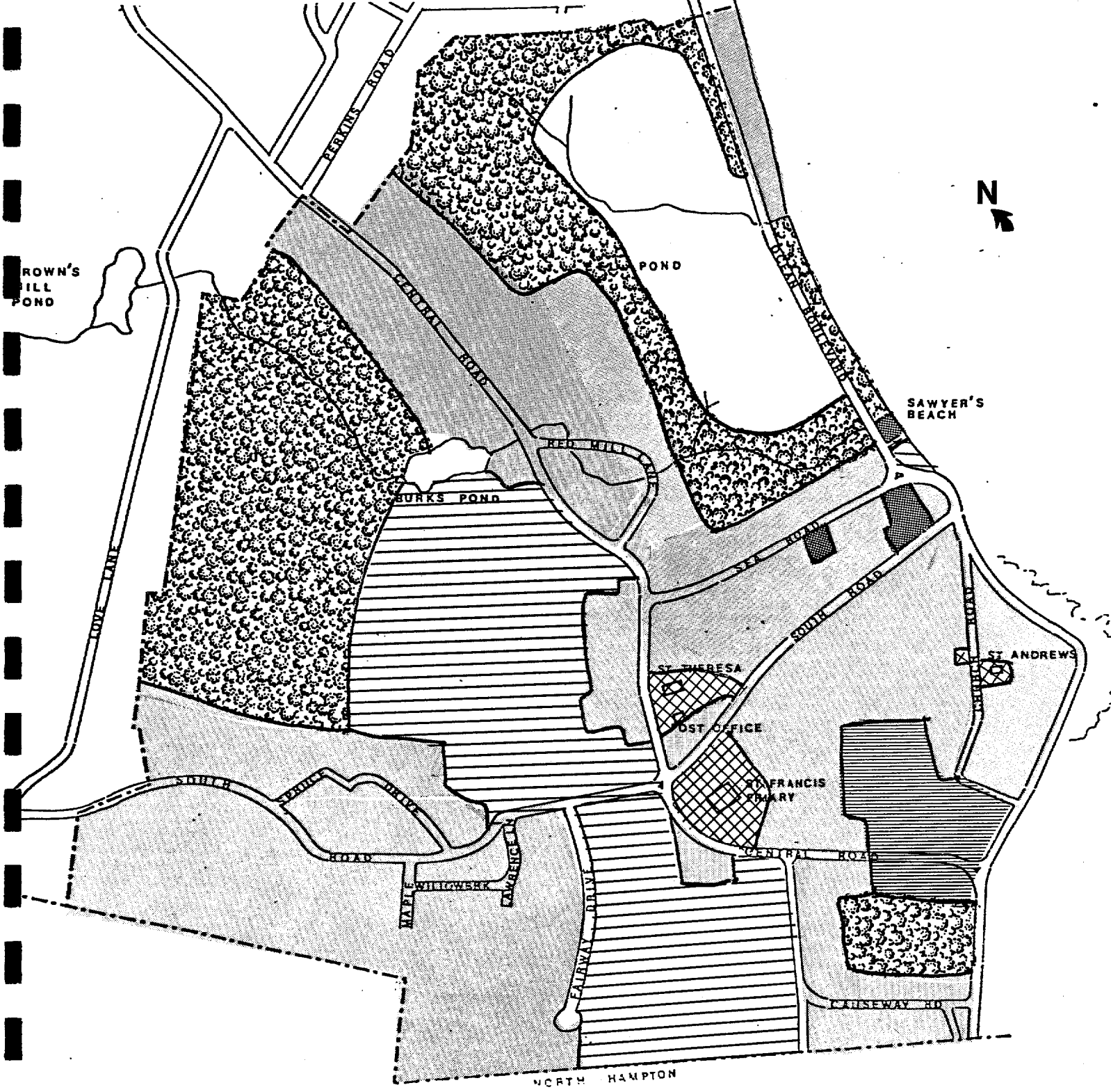
TABLE 3: RYE BEACH LAND USE: 1986

	<u>Acres</u>	<u>Percent of Total</u>
Single family	234	45.9
Multi-family	3	.6
Limited Commercial	22	4.3
Institutional	9	1.8
Recreational	78	15.3
Open Space	139	27.3
Roads/Rights-of-Way	25	4.9
Total	510	100.0

Source: Town of Rye Tax Map. Computations by The Thoresen Group.

Almost half of the land use is single family housing. Parcels range in size from .05 of an acre east of Ocean Boulevard by Causeway Road to 8.9 acres off Maple Drive. While some of the area classified as single family is open space or not developed, most of it is in a traditional residential house lot of about 1/3, 1/2, 1, 1 1/2 or 2 acres. Almost 100 parcels of land are less than one acre in size and about 40 are one to two acres in size.

The Drake House and the condominiums north of the Beach Club are the multi-family housing in Rye Beach. Homes with two or more units are

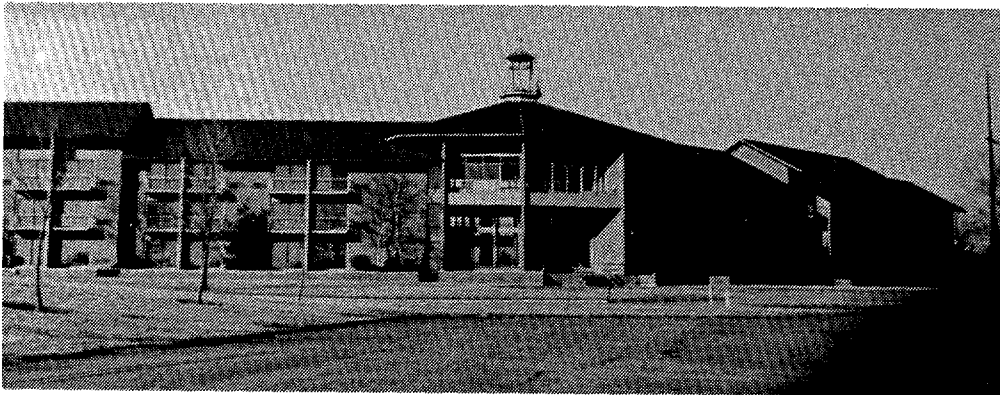


CURRENT LAND USE MAP - MARCH 1986
 RYE BEACH VILLAGE DISTRICT

- | | |
|--------------------|---------------|
| Single Family | Institutional |
| Multi-Family | Recreational |
| Limited Commercial | Open Space |

also considered multi-family. However, the Friary is considered institutional.

The limited commercial property is the Farragut Hotel and related property. The adjacent land which is a salt marsh is considered open space in terms of land use. This property is not operating in any use at this time, but it was built as a hotel replacing the former Farragut Hotel.



Institutional land use includes the precinct building/post office, St. Theresa's Church, the Friary and St. Andrews-by-the-Sea and its parking lot.

Recreational land use includes that portion of the Abenaki Golf Club which is in Rye Beach as well as the Rye Beach Club. It does not include any coastal beach area which is considered open space or outside the boundary of Rye Beach.

Open Space includes the ponds and land adjacent to Eel Pond, Burke Pond and that part of Bailey Brook not within another land use. In addition to this open space, it includes the salt marsh, a small part of the coastal beach, and a significant forested area paralleling Love Lane.

About 5 percent of the land is used as roads and rights-of-way. The primary roads are Ocean Boulevard, Central Road and South Road.

Rye Beach Village District has only recently begun to keep track of its building permits. In 1982 and 1983, there was one permit each year for a new residence and in 1984, there were two. There were three institutional permits having to do with St. Theresa's proposed expansion during this period. Other permits were for additions, renovations or accessory buildings having to do with residential use.

Rye Beach's land use is closely tied to its natural resources and coastal location. It blossomed as a resort catering to the wealthy who later built a number of the turn-of-the-century homes which remain today. Due to the summer residents' interests, recreation facilities and a church were built. Vestiges of Rye Beach's history are thus reflected in the existing land use today.

TRANSPORTATION

Roads

There are 3.7 miles of roads in Rye Beach Village District. This data was compiled for the first time by the Department of Public Works and Highways of the Town of Rye in the winter of 1986 when an indexing was done from intersection to intersection.¹

Most of Rye's main roads were originally laid out along the ridges that run through the Town. This transportation network has remained essentially unchanged except for improvements.

There is one State maintained highway that runs through Rye Beach - Route 1A (Ocean Boulevard). Ocean Boulevard was built by the State from 1900-1903 to "secure to the public, for all time, free and unobstructed access to the seashore of the State at all points."² This is classified as a Class III highway under the State classification system.

All other roads in the District are classified as Class V. The two principal arterial roads in Rye Beach which handle the greatest inland traffic loads are Central Road and South Road. Central Road runs north-south and connects the Town center of Rye and Rye Beach. South Road is the major east-west route through the District connecting Route 1A and Route 1.

There has been only one new road built in Rye Beach in the last ten years. This is Fairway Drive. There are also private roads such as Spruce Drive and rights-of-way in Rye Beach. Several rights-of-way off South Road go to property which is in the Town of North Hampton.

Commuting Patterns

In the 1986 Survey, Question 5 asked "In what community do you work?" The category with the highest percent response from year round residents was Rye Beach-homemaker, retired (37.6). Portsmouth (15.3 percent), other New Hampshire towns (12.9 percent) and Massachusetts (10.6 percent) followed. These responses not only give an indication to the nature of the population, i.e., that there is a high percentage of older people in Rye Beach, but they show that there are very few employed by the military in Rye Beach and that most of the working force works outside of the Rye and Rye Beach area. There was even one respondent who worked in New York.

1. Roger O. Philbrick, Dept. of Public Works and Highways, Town of Rye.
2. Langdon B. Parsons, History of the Town of Rye, N.H., 1905, p. 94.

Public Transportation

There is no public bus system that serves Rye Beach. Additionally, there is no tourist "trolley" or tour bus that serves the area in the summer.

Railroad

Though at one time the Town of Rye was served by the electric trains to Portsmouth and Hampton in the early part of the century, there are no existing railroad or trolley lines or tracks serving the area at the present time. In the 1880s and early 1900s, Rye Beach summer residents used the North Hampton and Portsmouth train stations because there was no direct stop at Rye Beach. Guests were then transported by coach (1870-1900), electric trolley (1900-1925 to Rye Center), and then buses and taxis to Rye Beach.

Airports

There are no existing airport facilities in Rye Beach. The nearest airport is the Hampton airfield where small private airplanes can land. The Pease Air Force Base airport in Portsmouth is not open to the public. Scheduled airline service can be found in Boston, Manchester and Portland.

PUBLIC UTILITIES

Water Supply and Quality

One of the first acts of the newly established Rye Beach Precinct in 1905 was to "negotiate with the water company in Hampton to bring running water into their (Rye Beach) homes and hydrants to their streets."¹ Rye Beach Village District is still served by the private Hampton Water Works Company of Hampton as is the Jenness Beach Precinct. Most of the remainder of the Town of Rye is served by the Rye Water District, except a small portion served by the City of Portsmouth. The 400 gpm Rye Water District well Number 1 is located west of Rye Beach off Groves and Garland Roads.

The Hampton Water Works has a 100 gpm well at Jenness Beach on Central Road north of McLaughlin Drive, which usually is operated only during the summer. The water is relatively hard, sodium levels are relatively high, and "the nitrite/nitrate levels are among the highest of all groundwater sources in New Hampshire...The nitrate concentrations at Jenness Beach well are presumed to be due to the high density residential development in the recharge area."² The study concludes that both public water supply sources meet primary water quality standards.

The area from Jenness Beach down Central Avenue is covered by the system of eight gravel packed wells and one rock well that covers Rye Beach, North Hampton, Hampton Beach and Hampton. The Jenness Beach substation has a booster pump and an extra fire pump for supplementary demands from this area.

The American Water Works Service Company, Inc. in October 1985 prepared a "Comprehensive Planning Study" for the Hampton Water Works Company. It contains recommendations for improvements in a two phase ten year program. The projects from 1985-1989 are projected to cost \$3,301,000. In 1987, it suggests installing a Jenness Beach fire pump and related mains for a cost of \$383,000. The addition of several wells and elevated storage are the larger items.

The study found the 1937 Jenness Beach well yielding its capacity. The well had a high iron content, low manganese content and acceptable pH based on federal standards. The Hampton Water Works has not yet investigated a site identified in 1984 by Caswell, Eichler and Hill, Inc., which is near the present Jenness Beach well supply. Other locations in Rye identified outside the area presently served in Rye may be investigated. (The Hampton Water Works Charter allows it to work anywhere within the Town of Rye.)

1. About Rye, p. 25.
2. Wright-Pierce, Engineers, Water Quality Management Plan, Town of Rye, January 1982, p. 105. See the report for additional data.

The study asserts the area serviced in Rye is the weakest part of the Hampton Water Works distribution system. The distribution system has about 35,000 feet of unlined 6 inch and 8 inch pipe. The water pressure is unstable and often is high. Several areas may not have adequate fire protection. It suggests that an eventual interconnection to the Rye municipal system may be beneficial in the advent of an emergency.

The plan recommends the following improvements for the Rye Beach area: the installation of 1,000 feet of 8 inch pipe on Church Road north of Central Road; and 1,000 feet of 8 inch pipe on Central Road, Locke Road and Ocean Boulevard. In the Jenness Beach area, it recommends the installation of 1,700 feet of 8 inch pipe on Perkins Road to Ocean Boulevard plus the installation of a new fire pump, relocation of chemical feed lines and development of a future well supply. All of the Jenness Beach projects and the Church Road project are in Phase A scheduled to take place prior to 1989.

In 1979, as part of the Water Quality Management Plan developed for the Town of Rye, two water quality sampling stations were located within the precinct (#61, inlet to Eel Pond by Red Mill Lane and #65, Eel Pond outlet by Ocean Boulevard) and two were located near the precinct boundary (#64, a small unnamed brook by Perkins Road and #62, Bailey Brook by Love Lane). Each sample was analyzed for total coliform bacteria, fecal coliform bacteria (fc) and fecal streptococcus (fs). Table 1 contains the resulting inland water quality data. The sampling found the Eel Pond outlet having a relatively high fc/fs ratio. No sampling stations in the Rye Beach area met "Class B water quality standards for total coliforms of less than 240/100 ml."³ The study concludes that the deficiencies in water quality "based upon the results of investigations to date, are from natural sources...indicate no fresh sources of human pollution impacting the streams and marshes."⁴

TABLE 1: INLAND WATER QUALITY

Station	No. Samples	Total Coliform	Fecal Coliform	Fecal Strep.	FC/FS
61	4	946	51	100	0.5
62	4	858	12	25	0.5
64	4	2,698	62	221	0.3
65	4	1,033	34	26	1.3

Source: Water Quality Management Plan, Town of Rye, Table 4.6, p. 99.

3. Ibid, p. 98.

4. Ibid, p. 100.

The study also assessed the ocean water quality in 1979 at Jenness Beach, Bass Beach (and other Rye beaches). The study found "that the known point source discharges of wastewater are having a significant impact on beach water quality in the Rye Beach area and possibly the northern portion of Jenness Beach."⁵ The study suggested that Bass Beach be closed to swimming until the situation is rectified.

In the 1986 Survey, Rye Beach residents agreed by 78.5 percent that the "Hampton Water Works service meets our needs."

Sewer

As was indicated in the preceding discussion on water quality, there is a problem in the Rye Beach Village District. It was the second highest problem cited in the 1986 Survey, with excessive development being first. Some residents voiced the concern that the installation of a public system would make more development possible while others wanted to solve the problem. The problem is that "29 houses, the post office and Franciscan Friary tie-in to sewer systems with no treatment and direct discharge."⁶ The estimated flow is 13,000 gallons per day. Over one half of the sewer contribution came from the Friary and fifteen percent was from the Drake House. On the southern end of Red Mill Lane there are also two failed residential systems. The remainder of the residences in the Rye Beach Village District have on-site septic systems and are not tied into any sewer. According to the 1986 Survey, 52 percent of the respondents agree public sewer service is needed and 40 percent disagree. There is a saying in public administration, "Where you stand depends upon where you sit." In Rye Beach, the answer to that question may depend on where you live.

The sewer systems are owned now by the residents. Formerly the system was operated by the Rye Beach Village District. Originally residents paid an annual fee to defray the cost. Since the sewer charge was abandoned, individual residents have maintenance work performed on their section of the sewer. The sewer is checked weekly to make sure it is not blocked and is flowing into the ocean.

The Sea Road sewer, South Road sewer and Central Road sewer discharge untreated wastewater into the Atlantic Ocean. The Sea Road and South Road sewers have five and six inch cast iron pipes which extend about 100 yards from the shore. Some of the sewers have no accessible manholes. The study documents which houses were tied in or were possibly tied in or had private subsurface disposal systems.

The focus of much discussion and controversy, the sewer system of the Town of Rye including the Rye Beach Village District remains at this point a tabled issue due to "funding problems and rising costs of

5. Ibid, p. 105.

6. Ibid, p. 139. See pp. 130f for an evaluation of the Rye Beach Sewer System.

implementing a new public sewer system."⁷ The location of a treatment facility for Rye Beach has not yet been determined. The sewer system at Rye Beach has numerous problems due to poor pipe condition, lack of pipe cover, inadequate manholes, poor drainage, infiltration and inflow levels, and lack of treatment. Water quality contamination is a public health issue which needs to be addressed.

Electric

The provision of street lights was one of the reasons that the Rye Beach Village District was formed in 1905. The precinct still pays for electric lights on the major arteries in Rye Beach. While 53 percent of the residents thought the lighting adequate, 35 percent did not. Several people noted the street lights as one of Rye Beach's assets, and several noted the lighting on Sea Road as a chief problem.

Solid Waste Disposal

Rye Beach Village District is incorporated into the Town of Rye's solid waste disposal plan. In 1984, the Town built a transfer station to use for transporting solid waste to the Refuse-to-Energy Plant on Pease Air Force Base. The Town has a contract with the plant which expires in the year 2002.

As part of the Town's efforts to reduce solid waste, the Town has a Dump Committee which is charged with recycling through can and glass separation. "Between cost avoidance and sale of recyclables, Rye has saved over \$15,000 during 1983,"⁸ and \$16,500 in 1984. The Committee believes \$50,000 could be saved or one half of the current Dump budget.⁹

Natural Gas

There is no mention of natural gas in the Town of Rye's Master Plan. Northern Utilities Company,¹⁰ when contacted, said that there are no gas lines at the present time serving Rye Beach or any other parts of Rye. They are presently considering extending the line which stops at the Goodyear Store on Route 1 in Portsmouth through the northern section of Rye to New Castle. The closest gas main to Rye Beach is in Hampton on Ocean Boulevard ending on the Hampton/North Hampton line.

Requests for gas lines are initiated by potential customers interested in receiving the service. Northern Utilities then decides whether to put the gas line into the requested location based on PUC approval and their own analysis of financial feasibility.

7. Roger O. Philbrick, Director of Public Works and Highways, Town of Rye, personal communication, February 13, 1986.

8. Town of Rye Annual Report, 1983, p. 38.

9. Ibid, 1984, p. 37.

10. Telephone interview with Martin Poulin, Northern Utilities Company, February 1986.

COMMUNITY FACILITIES

A discussion of community facilities in a Master Plan encompasses community services offered in or near the community. For the most part these services are public. However, institutional uses which may be private or religious are often included.

The Rye Beach Village District offers services in addition to those provided by the Town of Rye. Between 1975 and 1984, its expenditures ranged between \$19,570 in 1975 and \$39,826 in 1979, and revenues ranged between \$2,263 in 1980 to \$22,524 in 1979. The amount to raise by tax ranged from \$12,301 in 1977 to \$32,370 in 1983.

Table 1 on the following page shows a breakdown in the revenues and expenditures. The expenditure pattern changed over the past ten years as can be seen in Table 2.

TABLE 2: RYE BEACH EXPENDITURES - PERCENT OF TOTAL*

	Gen. Govt.	Protect Persons Property	Highway Bridges	Unclassi- fied	Debt Service
	<u>GG</u>	<u>PPP</u>	<u>HB</u>	<u>U</u>	<u>DS</u>
1975	15.1	33.7	40.2	10.2	.8
1976	N/A	N/A	N/A	N/A	N/A
1977	10.1	46.7	38.5	3.8	.9
1978	32.2	32.2	33.8	.5	1.3
1979	5.8	24.0	67.5	.8	1.9
1980	16.8	45.1	34.1	-	4.0
1981	12.6	54.4	30.3	.1	2.6
1982	7.0	29.8	49.7	10.9	2.6
1983	11.7	45.9	36.5	3.2	2.7
1984	11.7	49.8	34.0	2.9	1.5

* See Table 1

Highways and bridges includes street lights, sidewalk repair, roadside work, snow removal and signage. In 1975, it represented forty percent of the expenditures. While highways and bridges has, in general, remained constant or declined over the period, the protection of persons and property has increased. This category includes the hydrant service which is one of the major costs in Rye Beach. In 1984, almost half the budget was spent in this category with one third being highways and bridges. Legal expenses, which were relatively high only in 1982, are basically unclassified. General government expenditures have

TABLE 1: RYE BEACH EXPENDITURES/REVENUE*

	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>
<u>Exp.</u>										
GG	2,961	N/A	2,004	9,120	2,320	4,547	4,051	1,920	3,872	4,327
PPP	6,592	N/A	9,253	9,115	9,559	12,234	17,454	8,174	15,146	18,376
HB	7,867	N/A	7,623	9,570	26,873	9,253	9,732	13,637	12,041	12,553
U	2,002	N/A	750	150	325	0	30	2,990	1,067	1,058
DS	148	N/A	188	356	749	1,095	841	717	878	571
Total	<u>19,570</u>		<u>19,818</u>	<u>28,311</u>	<u>39,826</u>	<u>27,129</u>	<u>32,108</u>	<u>27,438</u>	<u>33,004</u>	<u>36,885</u>
<u>Revenue</u>										
Rent	3,425		3,525	4,255	2,830	2,254	3,215	3,320	4,210	7,275
Other	98		177	3,252	19,694	9	29	3	205	310
Total	<u>3,523</u>		<u>3,702</u>	<u>7,507</u>	<u>22,524</u>	<u>2,263</u>	<u>3,244</u>	<u>3,323</u>	<u>4,415</u>	<u>7,585</u>
Surplus to reduce tax			3,815	6,469	776	7,207	8,565	5,938	7,355	11,138
Amt.raised by tax	16,047		12,301	14,335	16,527	26,223	26,263	25,531	32,370	29,497

* Grouped by RSA 71-A Categories: GG = General Government, PPP = Protection of Persons & Property, HB = Highways & Bridges, U = Un-classified, DS = Debt Service

GG - Precinct Bldg., Light, Water, Repairs, Admini. Exp., Misc., Equip.

PPP - Hydrant Service, Insurance, Tree Care, Zoning, Planning, Special Police

HB - Snow removal, Street Lights, Roadside Work, Road Signs, Sidewalk Repairs

U - Legal

DS - Interest, Principal

Source: Rye Beach District Annual Reports

fluctuated, in part due to expenditures on repairs. Debt service has ranged from one to four percent of the total during this period.

Revenue is primarily from the rent of the precinct building. From 1975 to 1983, revenue has averaged about \$3,379, but in 1984 it was much higher at \$7,275. In 1979, revenue was considerably higher than the norm because \$19,694 was received from the federal government to do major repairs due to storm damage. One major source of revenue, St. Theresa's Church, will decrease when the Church completes its addition and no longer rents the space in the precinct building.

In the 1986 survey, Rye Beach residents were asked a number of questions about community services. There was strong support for continuing to need Rye Beach Village District by 72 percent of the respondents. While 54 percent agreed the precinct should provide sidewalks along major roads, 39 percent disagreed. A similar percent agreed the street lighting is adequate while 35 percent disagreed. People did not think Rye Beach's zoning was too strictly enforced, and they felt the Rye Beach zoning and subdivision regulations should be more strict than the Town of Rye. Fifty percent of the respondents agreed the precinct should purchase development rights to protect Rye Beach's natural resources. Respondents also thought that home businesses should not be allowed in all residential areas, and that summer parking was a problem along Route 1A.

Precinct Building. The only municipal facility is the precinct building which also serves as the post office on the first floor. It was built between 1918 and 1922 on a 1/3 acre lot on Central Road. The upstairs of the building serves as a community meeting room which is also available to rent, and is one of the precinct's prime revenue sources.



The Rye Beach post office includes in its zip code residents of the Village District as well as nearby streets outside the District thus adding some confusion to property owners as to whether they are considered to live in Rye Beach. In the 1986 survey, 74 percent of the residents indicated that they believed the precinct building should be preserved and maintained as a Rye Beach landmark.

Library. Rye Beach Village District does not have its own library. Residents use the Rye Public Library located on Washington Road in Rye Center.

Fire. Rye Beach is serviced by the Town of Rye Fire Department which is located across from the Town of Rye Town Offices on Washington Road. There are six full time employees who work on a round the clock shift basis, and a staff of on-call firefighters. At the present time, they have three engines (one is 30 years old) and a tanker. The pump serving Rye Beach is located at Jenness Beach and it covers the 23 hydrants that are located in Rye Beach. Rye Beach is within the 3-4 mile radius ring of the Fire Department and the average response time is 8 minutes. The following table is a summary of fire calls that have been made to Rye Beach Village District over the past five years.

TABLE 3: RYE BEACH FIRE CALLS, 1980-1985

	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>
Chimney & inside	1	2	1	1	4	2
Outside	4	3	3	1	0	3
False alarms (inc. alarm act.)	1	1	2	2	3	0
Structure	1	0	0	1	0	0
Pub. Asst. & Med. Aid	4	2	1	1	1	0
Total R.B. calls	11	8	7	6	8	5
Total Rye calls	207	189	161	191	180	208

Source: Fire Department records, Town of Rye.

As can be seen from the above, Rye Beach is not responsible for a high percentage of the calls received by the Town of Rye Fire Department. The highest response was in 1980 when the Rye Beach Precinct represented five percent of the total calls in the Town.

The Insurance Services Office in 1979 prepared a report entitled "Fire Insurance Classification Improvement Statements for Rye, NH." This report recommended that there be another fire station in the vicinity of Grove and Central Roads and that the Department purchase a ladder truck.¹ Fire Chief George Moynahan concurs with that report and has been asking for a ladder truck as well as a new engine since 1980. "People think single family home and they think of small capes. We have plenty of three story houses, for example in Rye Beach, that would need a ladder if they were on fire."² He also foresees the need for additional manpower at some point.

The North Hampton Fire Department located on Atlantic Avenue in North Hampton is 4-5 miles from Rye Beach and their response time is 6-10 minutes. They would be called as a supplementary force if needed in Rye Beach.

In the 1986 survey, 86 percent of the Rye Beach respondents indicated that they agreed that the Town of Rye provides adequate fire protection.

Police. Rye Beach is serviced by the Town of Rye Police Department which shares a building with the Fire Department on Washington Road. The Department has six uniformed officers, a dispatcher/clerk, and two cruisers.

Upon inquiry at the Police Department, it was noted that Rye Beach Village District is a very low incident area in the Town of Rye. The biggest problems are parking (i.e., residents calling to complain about summer visitor parking) and loose dogs (the Town has a leash law). People being locked out from Abenaki Golf Club has been another source of police calls. In 1985, there were only three thefts (2 from a porch and one from a garage) and no burglaries (distinct from a theft in that burglary involves a break-in). As well as being a low crime area, it was also noted that Rye Beach has very few road accidents.⁴

In the 1986 Survey, 86 percent of the Rye Beach respondents indicated that they agreed that the Town of Rye provides adequate police protection.

Schools. There are no schools located in Rye Beach. Children attend the Rye elementary school (grades 1-5), the Rye Junior High School (grades 6-8) and then Portsmouth High School. There is no public kindergarten in Rye. Prior to the consolidation of the Rye elementary schools into a new one which was built in 1962, Rye Beach children attended the South School on Central Road north of Love Lane.

1. "Fire Insurance Classification Improvement Statements for Rye, NH," prepared by Insurance Services Office, Loudon Road, Concord, NH, 1979.
2. Interview with George Moynahan, Fire Chief, February 25, 1986.
3. Phone Interview with Tom Lambert, N. Hampton Fire Department, March 11, 1986.
4. Interview with Sgt. Bob Howland, February 25, 1986.

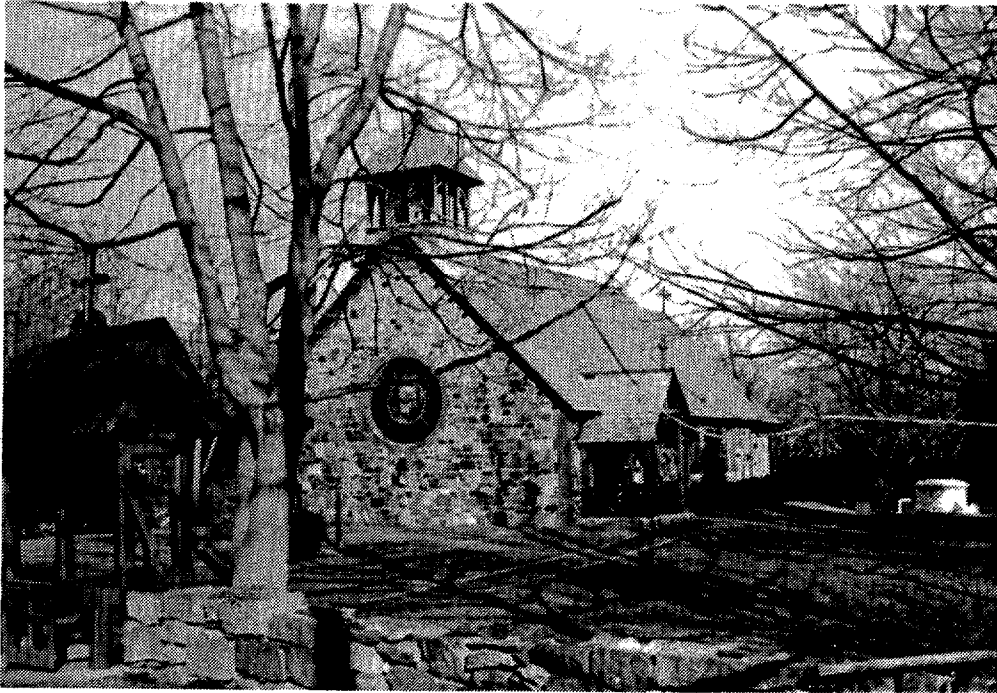
The Friary. Now called the St. Francis Retreat Center, the Friary opened as the Stoneleigh Manor Hotel around 1920. Subsequently, it became a girls' academy and then a military college for a brief period during World War II. In 1950, The Province of the Holy Name, a part of the Franciscan Order, purchased it and maintained a full-time facility, until 1973, when it became a full-time Retreat Center. It also served unofficially as a quasi-parochial setting, until 1979 when St. Theresa's Church acquired the official status of parish. Programs at the Retreat Center serve a primarily Roman Catholic constituency, but other Church groups and religiously affiliated organizations frequently rent the facility. Examples of programs include weekends for engaged couples, recovering alcoholics, divorced and separated people, bereaved people, singles, and varied programs on religious themes. The Center also sponsors week-long programs that serve priests, religious women, religious educators, and senior citizens. Seven to eight thousand people a year use the Retreat Center. It is⁵ staffed year-round by seven Franciscan Friars known as the Retreat Team.



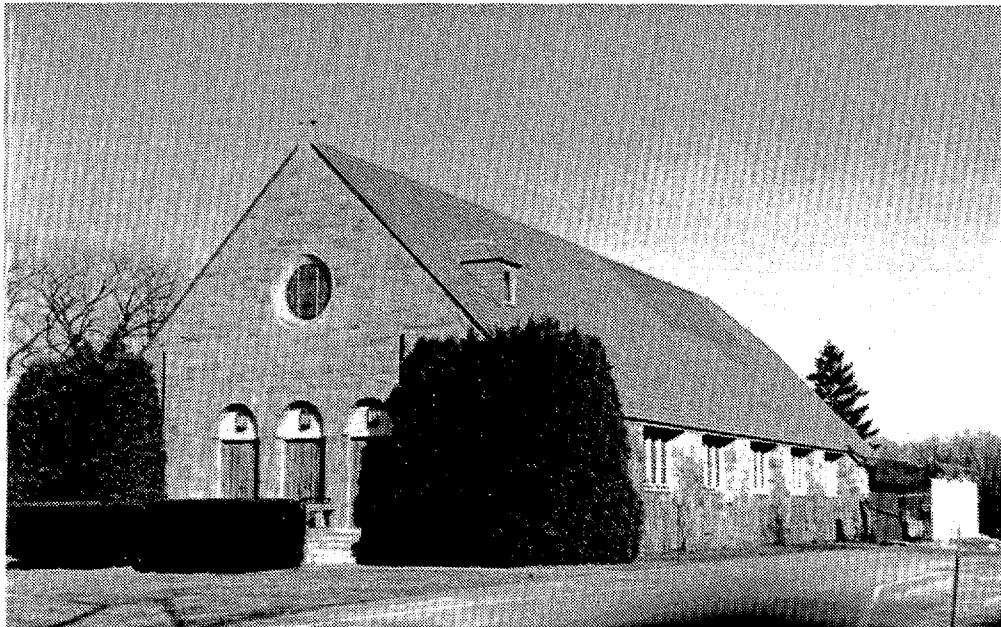
Churches. There are two churches in Rye Beach Village District: St Andrews-by-the-Sea, an Episcopalian church which held its first services in 1846 and St. Theresa's, a Roman Catholic parish built in 1947.⁶ Both churches were initially built to be occupied only in the summer to serve the seasonal residents. St. Andrews-by-the-Sea still operates on a seasonal basis with parking available across from it on Church Street.

5. Telephone interview with Paul Sansone of the Retreat Team, March 20, 1986 and written correspondence with John Ullrich, Director, April 7, 1986.

6. John L. Parsons, The Churches of Rye, NH 1725-1959.



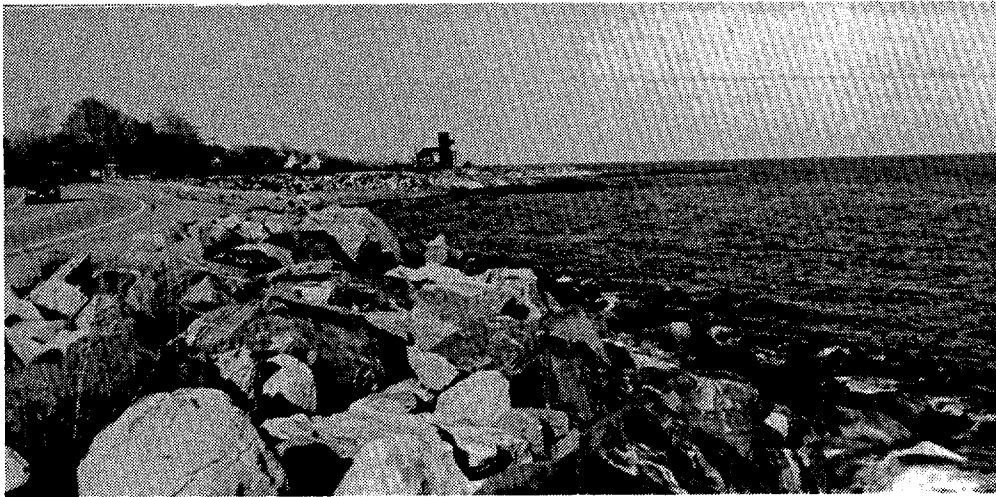
St. Theresa's operated on a seasonal basis until 1979 when it became a year-round parish. It serves 900 families in Rye and North Hampton. Since it became year round, the St. Francis Retreat Center no longer operates parochial services on the weekend. St. Theresa's presently is constructing a large community building to the rear of the church on its 2.21 acre site. Until now, the church has often rented the adjacent precinct building for meetings. Access to the site is off both Central and South Roads.



RECREATION

Rye Beach has a number of public oceanfront beaches as well as two private recreation facilities within the Village District. Historically, the former resort hotels provided additional forms of recreation for their guests.

Bass Beach. Bass Beach covers the area between Rye Ledge, Route 1A and the North Hampton Town line. This rocky beach is owned by the State of New Hampshire and maintained by the Department of Highways and Public Works. There are 34 parking spaces for which there is no fee.¹ According to a representative of the Department of Highways, signs have been posted restricting use of this beach due to contamination.²



Sawyers Beach. Sawyers Beach covers the area roughly between Rye Ledge, Route 1A and Eel Pond and is owned by the Town of Rye. Parking is restricted to Rye property owners by seasonal permit.

Jenness Beach covers the area north of Sawyers Beach to Straw's Point. Part of the beach is in the precinct. The drowned forest and Atlantic Cable at Jenness Beach are not within the precinct boundary. Although the Town of Rye also owns Jenness Beach, the State maintains 76 parking spaces with parking meters.

The aerial photo on the top of the next page was taken April 5, 1986, and shows Sawyer's Beach at low tide. Also, note the Rye Beach Club at the corner of Sea Road and the Abenaki Golf Course both on the left or south side of the photo, as well as Burke Pond behind Eel Pond.

1. Michael Donovan, Town of Rye Master Plan, 1985, p. 1-j-2.
2. Personal communication, DPWH, January 27, 1986.

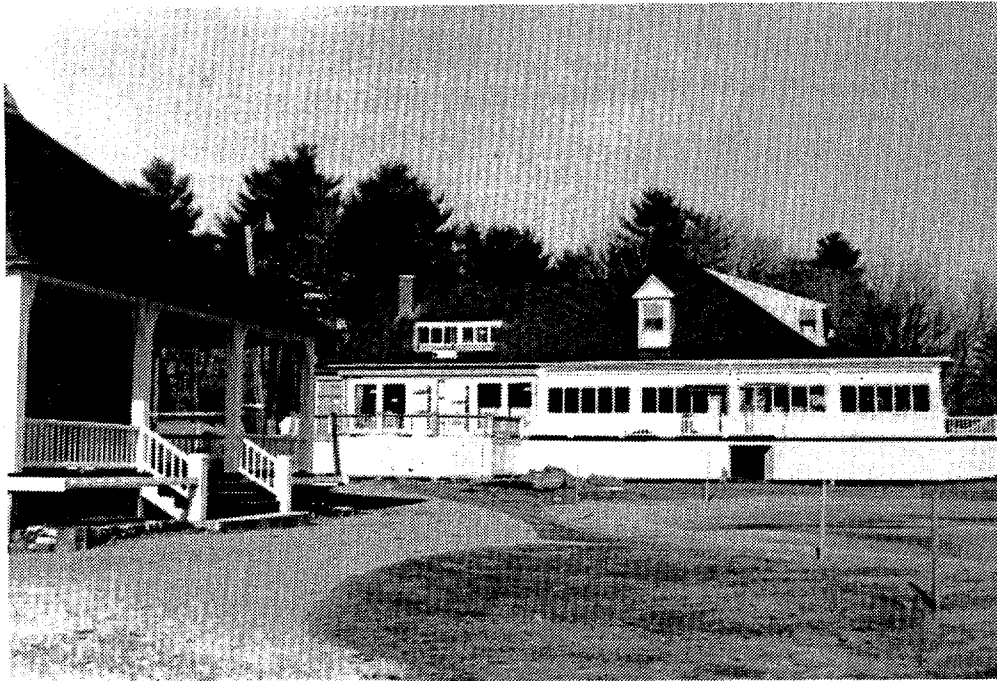


Rye Beach Club. The Rye Beach Club is located on Ocean Boulevard near Sea Road. It consists of a swimming pool with wooden lockers, deck, club house, showers and snackbar. It is open usually from Memorial Day to Labor Day. It is at the site of the turn-of-the-century salt water bath house which local residents purchased around 1920 to establish the private beach club. It holds its membership to 200 people due to its limited facilities and site.³



3. Personal communication Karol Layman.

Abenaki Golf Course. The Abenaki Country Club was founded in 1903. This approximately 100 acre⁴ property on Central and South Roads contains an 18 hole golf course, 3 tennis courts, a club house, a pro shop and parking for about 100 cars. Part of the golf course is in North Hampton. There are 400 members who own the facility. Members may own up to five shares. There is limited room for expansion although one more tennis court may be added. In the winter, informal cross country skiing occurs here. The photo shows the pro shop on the left, club house and green.



4. Personal communication Pat McNulty, President and Elaine Webb, Secretary. The Wright-Pierce Water Quality Management Plan indicates that there are 145 acres at the Abenaki Golf Course.

HISTORIC RESOURCES

According to the 1985 Rye Master Plan, there are no properties in the Rye Beach Village District which presently are on the National Register of Historic Places, listed as State Markers, or are within Rye's Historic District Ordinance or garrison locations. However, there certainly are eligible buildings for the National Register as well as a possible district.

There were two mills located in Rye Beach: the Jenness Mill at Burke Pond and the Red Mill.¹ The Jenness Mill may have been the first located in Rye. "Built about 1695 by J. Badson for Francis Jenness on Cedar Swamp Run (Jenness Brook),"² it was a sawmill. The second mill shown on the 1805 Phineas Merrill map (Historic Map 1) was the Red Mill, located about 500 feet below the Jenness Mill. To the north of Jenness Mill was Brown's Mill, a late 18th century grist mill.

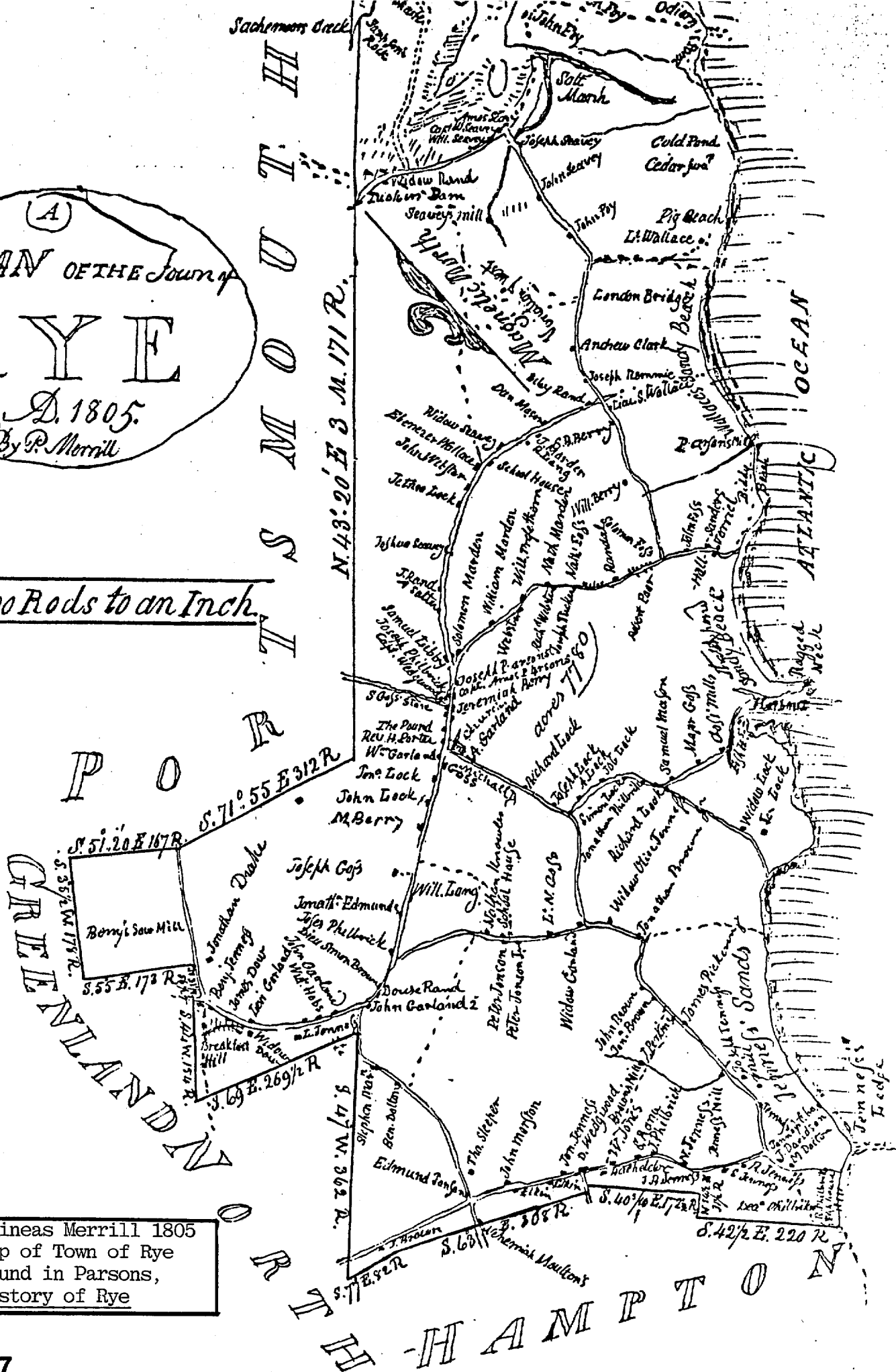
A listing of historic houses and house sites is in Louise Tallman's "Historic Index of Rye Homes."³ In 1805, in Rye Beach there were four houses on Central Road (including Philbrick's Fish House), two on Red Mill Lane (including the mill) and five on South. Six of those buildings no longer exist. By 1851, many new homes were built, particularly along Central Road with the Atlantic House (later a part of the Farragut) anchoring the district. (See Historic Map 2.)

St. Andrews-by-the-Sea was built in 1876-78 at a cost of \$4,000. Built in an "English country chapel style" and utilizing the rocks on the shore of the Atlantic Ocean,⁴ this is the oldest church in Rye Beach. (See Historic Map 3.) The St. Francis Retreat Center, a Roman Catholic retreat, occupies the former Stoneleigh Hotel which was built for \$900,000 in 1918.⁵

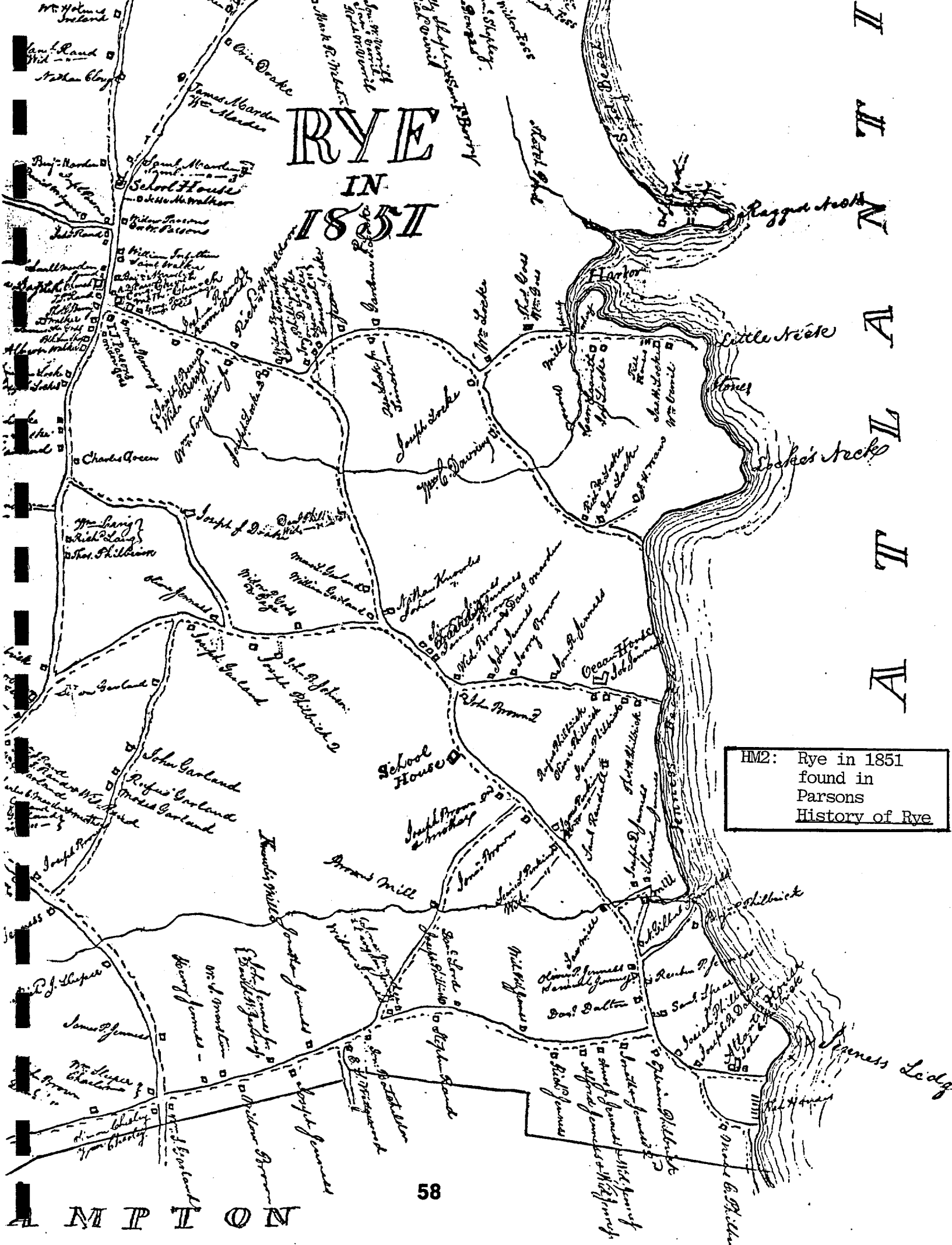
-
1. Phillips E. Reynolds, Ph.D., "Conservation Master Plan for the Town of Rye, NH." The Wright-Pierce study refers to Jenness Mill as also being called Red Mill and calls Red Mill unnamed.
 2. Wright-Pierce Engineers, "Water Quality Management Plan, Town of Rye, NH," pp. 79-80.
 3. A copy of Tallman's inventory is located in the Rye Town Library. At the present time (1986), no copy of "First Stage Cultural Resources Survey," by the Rockingham Regional Planning Commission, April 1983, can be located.
 4. Malvina Hoffman, "The Story of St. Andrews-by-the-Sea," 1945.
 5. William Varrell, Rye on the Rocks, p. 138.f.

(A)
PLAN OF THE TOWN OF
RYE
D. 1805.
By P. Merrill

Scale. 200 Rods to an Inch.



HM1: Phineas Merrill 1805
 Map of Town of Rye
 found in Parsons,
 History of Rye



RYE IN 1851

HM2: Rye in 1851
found in
Parsons
History of Rye

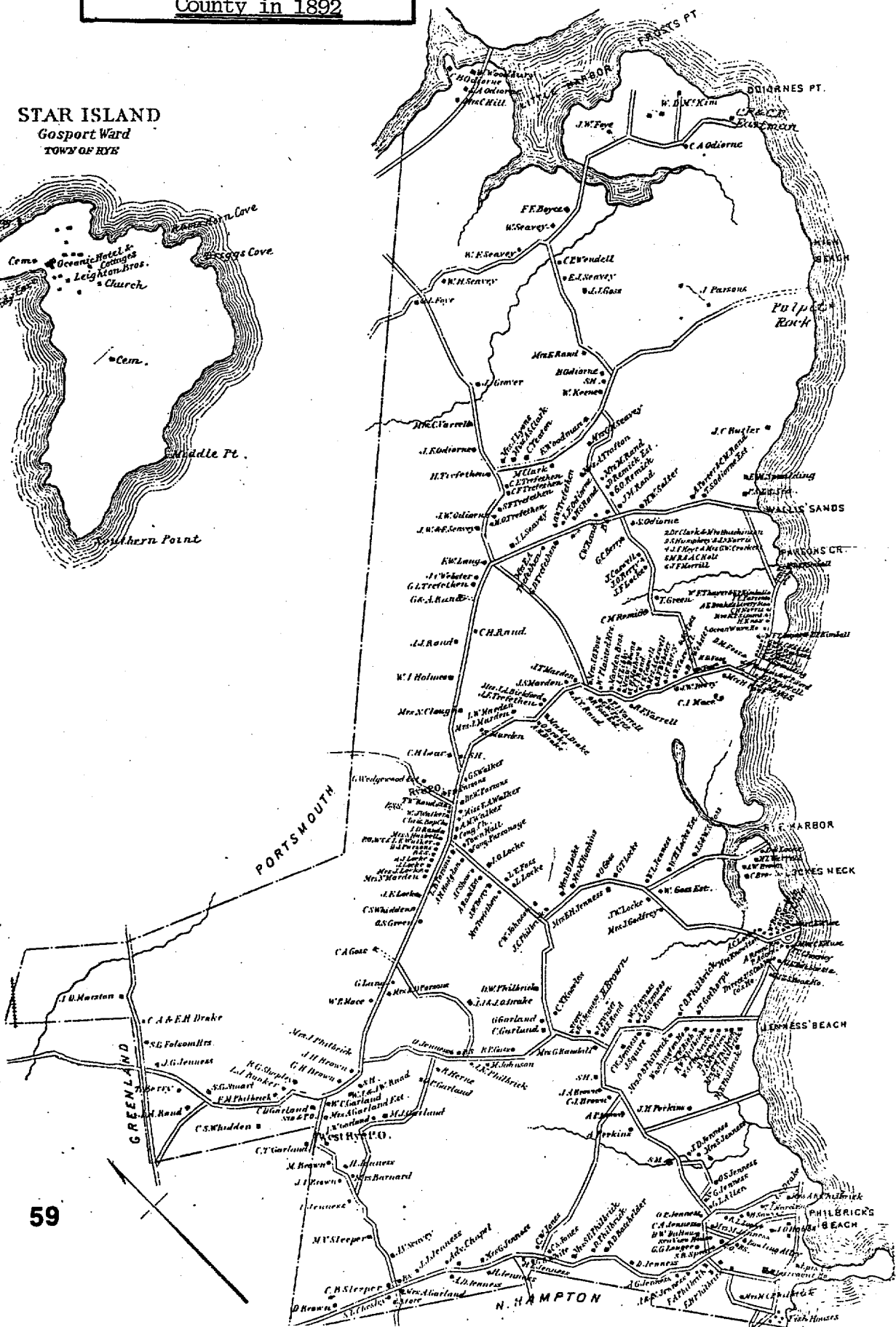
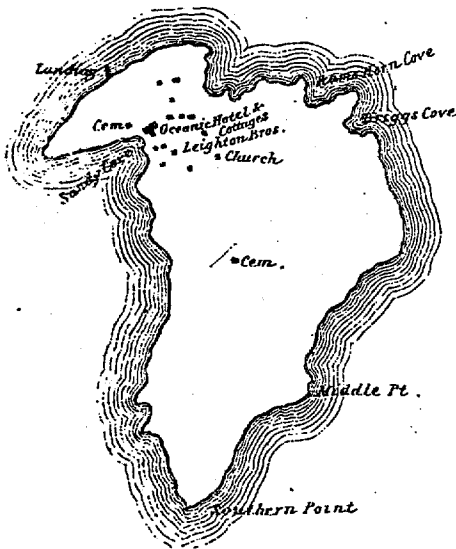
RYE

ROCKINGHAM CO.

HM3: Town of Rye 1892
found in The Old
Maps of Rockingham
County in 1892

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

STAR ISLAND
Gosport Ward
TOWN OF RYE



CONSERVATION AND PRESERVATION

In the Town of Rye there is a seven member Conservation Commission and an Historic District Commission. At the present time, the Rye Beach Village District has neither. Both of these commissions could address conservation and preservation issues in Rye Beach.

Conservation. The Rye Conservation Commission has the responsibility for protecting and preserving open space including wetlands in Rye. Up to two Town of Rye Planning Board Members may serve on the Conservation Commission, although in 1985 none did. Members serve three year terms.

In 1978, a Conservation Master Plan was prepared for the Commission by Phillips Reynolds, Ph.D.. It describes the natural resources within Rye. In Rye Beach, it advocates preserving and protecting the Cedar Run-Brown's Pond-Burke's Pond ecosystem which empties into the Atlantic Ocean via Eel Pond.

The Conservation Commission plays a key role in wetlands protection. It reviews each application to the New Hampshire Wetlands Board. They work with the State Wetlands Board to assess the impact of proposed development on a wetlands and recommend approval with or without conditions or else denial. Apparently, a number of houses were built on fill or wetlands in Rye Beach, some without obtaining dredge or fill authorization.¹ One house was built over the drainage pipe. As a result, drainage problems have increased and other properties were adversely affected.

The Conservation Commission presently is working with property owners and the State to address the drainage problems in the South Road, Church Road and Ocean Boulevard area, as well as other projects in the Town including supervising land given to the Town and the Town forest.

Historic Preservation. Historic Districts are allowed under RSA 674:45, which states "the preservation of structures and places of historic and architectural value is hereby declared to be a public purpose." The Town of Rye has a historic district commission which is "empowered to regulate the construction, alteration, repair, moving, demolition or use of such structures or places" (RSA 674:46) within the district. At the present time, no area in Rye Beach has been designated an historic district. It appears that an historic district within Rye Beach could be established as part of the Town of Rye's historic district, or could be established as a Rye Beach Village District historic district provided the precinct meeting authorized the establishment of an historic district and commission.

1. Personal communication, Louise Tallman, Chair, Conservation Commission, March, 1986.

III. Community Goals and Policies

The determination of community goals and policies is an important part in developing a Master Plan. Goals reflect what is important to the community and they help set the framework of future municipal decision making. Policies help guide the overall development of the community. Most development decisions rest with the private sector. However, the Rye Beach Village District can guide development by utilizing its governmental powers to promote the public safety, health and welfare of the community. Development proposals can then be evaluated for their physical, economic, social and environmental impact on the community and the extent to which they achieve the goals and policies of the community.

The Planning Board and District Commissioners met jointly in public meetings to develop overall goals for Rye Beach Village District and a series of policies with specific objectives. Residents and property owners in the Village District were also surveyed to ascertain their views. Some residents and Town of Rye employees were also interviewed. These community goals and policy statements indicate the direction in which the District is moving. They provide guidance to the Commissioners, Planning Board, residents, and those considering development projects in Rye Beach. land in Rye Beach.

Each policy statement is followed by specific tasks or objectives. Some may require changes in District regulations or necessitate the expenditure of District funds. As these tasks are completed, the District may determine whether additional tasks are necessary to implement the policies. These policies should be reviewed annually to determine their continued applicability and may be changed if so desired.

Resident Survey. The survey of residents and/or landowners in Rye Beach was used to ascertain both demographic data and community opinions on a variety of issues. The survey was developed by The Thoresen Group with the assistance of the Commissioners and Planning Board. The surveys were designed to be anonymous. Residents were asked to cut off their address label, fold the survey and return it to The Thoresen Group by March 10, 1986. One hundred ninety-seven surveys were mailed first class. Area papers carried a news release announcing the survey and encouraging all Rye Beach residents and landowners to participate.

The survey was not a statistically selected random sample. Rather it was a mail questionnaire sent to all known residents and property owners. Because it was anonymous, follow-up was limited to the press release and related news articles. Statisticians have often found that

"only 10 to 20 percent of the questionnaires are answered in a mail questionnaire survey, no matter how carefully the questionnaire has been designed to induce replies."¹ It has been the experience of The Thoresen Group that a rate of return in the 25-33 percent range provides a good sample of community opinion. On March 11, 1986 there were 79 returned surveys representing a 40.1 percent rate of return.

The responses to the survey were cross collated to allow additional data analysis. The general results of the survey can be found in Appendix A and detailed statistical results are on file in the precinct building. Results were incorporated as appropriate into the assessment reports.

In order to assist in the formulation and discussion on community goals and policies, general observations about the survey results are made here. About 8 percent of the respondents lived in Rye Beach less than five years while 32 percent lived there more than 20 years. Most of the respondents lived in Rye Beach year round, although 9 percent were seasonal residents. Most lived in single family homes which they owned. About 24 percent of the respondents were over 65 years of age and about 11 percent were of school age. One third of the community was aged 45-64. About 42 percent were retired or homemakers. Of those employed, they were divided in descending order among Portsmouth, other New Hampshire, other Massachusetts, Hampton, Rye Beach and Rye. One was employed at PAFB and one in New York.

The survey found that residents were satisfied with the Town of Rye's police and fire protection by over 86 percent. Almost 80 percent were satisfied that the Hampton Water Works service met their needs. Over 70 percent of the respondents thought that the precinct building should be preserved and maintained as a Rye landmark and that summer parking is considered a problem along Route 1A.

A number of questions concerned Rye Beach Village District issues. Over 70 percent of the respondents felt that there was a need for the Rye Beach Village District, that Rye Beach's zoning is not too strictly enforced, and that smaller residential units are not needed in Rye Beach. Over 60 percent thought that home businesses should not be allowed in all residential areas, that the Rye Beach zoning and subdivision regulations should be more strict than the Town of Rye, and that there were not housing opportunities for all income levels in Rye Beach. Fifty-nine percent thought that the District should purchase development rights to protect Rye Beach's natural resources.

Over 50 percent of the respondents thought the District should provide sidewalks along major roads, the street lighting is adequate, and public sewer service is needed.

The highest "no opinion" in the survey (48 percent) concerned the statement that the Town of Rye enforces land use regulations more

1. John Neter and William Wasserman, Fundamental Statistics for Business and Economics, 1966, p. 20.

strictly than Rye Beach. Over 40 percent disagreed. The most evenly divided response to a question concerned a possible historic district in Rye Beach with over 30 percent of the respondents agreeing and disagreeing and 36 percent having no opinion.

Respondents were asked to name the assets of Rye Beach Village District. The rural, residential character including its beauty and quiet were mentioned the most. A related response was the ambience of Rye Beach, defined as the beautiful houses and setting. Others mentioned the seacoast location and proximity to the ocean. The asset which had the second most supporters was the orderly development and zoning. Other assets mentioned by more than one respondent were: history, the Abenaki and recreational facilities, sense of community, control over development, limited population and "none." Mentioned by individual respondents were: precinct building, sidewalks, street lights, local post office and stability.

The last question asked about the chief problems facing Rye Beach Village District. The two high responses concerned maintaining the rural character (preventing excessive development) and sewers and water drainage. A third issue is the Farragut hotel. Parking, traffic and the relationship with the Town of Rye Selectmen were mentioned by others. Mentioned by at least two respondents were: condominium conversion, trying to change zoning, and lighting on Sea Road.

Other problems cited included: precinct building, rising taxes, disobedience of rules, lack of enforcement of rules due to limited personnel, functional obsolescence of homes, "antiquitated" district, Rye selectmen's objection to Seabrook completion, one family and consultants.

Thus, the Rye Beach survey along with interviews of residents, District meeting votes and master planning committee discussion provided guidance in establishing the goals for the Rye Beach Village District. The results of the survey and the preliminary goals were also discussed in a public meeting in March 1986.

OVERALL DEVELOPMENT GOAL

In order to set the framework for specific community goals, it is helpful to set the overall development goal of Rye Beach Village District. This sets the framework for additional community goals and specific policies. The overall development goal could also be described as the mission statement of Rye Beach Village District.

Overall Development Goal: The Rye Beach Village District desires to maintain a well planned, small community with a rural residential seacoast character with protected natural resources, seasonal recreational characteristics and limited commercial development.

The specific goals and policies which follow cover the following areas: historic resource protection, natural resource protection, residential development, economic development, recreation, public utilities, community services, and transportation.

HISTORIC RESOURCE PROTECTION GOAL

The Rye Beach Village District contains homes and sites which date from early European settlements. However, much of the present character of Rye Beach dates from the turn-of-the-century seasonal development of large summer homes and summer hotels.

A Cultural Resource Inventory was prepared by the regional planning commission for the Town of Rye. One copy was lost in the 1985 fire and the other cannot be located. The inventory should document the significance of each building and site. A significant grouping of homes and sites would indicate that an historic district could be established with a commission within Rye Beach in order to preserve the historical character of the district. An historic district commission regulates proposed changes to determine if they are in keeping with the architectural character of the building in question and the area, and makes appropriate recommendations. New buildings are also allowed in an historic district. About forty percent of the respondents to the 1986 Survey had no opinion about establishing an historic district, and the remainder were divided as to its desirability.

Historic Resource Protection Goal: The Rye Beach Village District should encourage development which protects the historical character of the community.

The following are the policies the Rye Beach Village District adopts in furtherance of its historic resource protection goal:

Policy One: It is the policy of the Rye Beach Village District to preserve and maintain the Rye Beach Precinct Building as a Rye Beach historic resource.

Policy Two: It is the policy of the Rye Beach Village District to consider and recommend if appropriate development regulations, such as an historic district, designed to preserve and protect the built environment.

NATURAL RESOURCE PROTECTION GOAL

Rye Beach borders the Atlantic Ocean on its east. Along Route 1A there are beaches, rocky ledges and rocky shores. West of Route 1A is Eel Pond and a drainage basin which includes part of Bailey Brook. There are also salt marshes and wetlands within Rye Beach.

These natural resources contribute to the rural residential seacoast character of Rye Beach. As development has occurred, some of these natural features have been adversely affected. For example, Bass Beach is not suitable for public use due to sewage outfall. Some features have been subject to development pressure, for example, wetlands have been filled. The survey indicated support for purchasing development rights to protect Rye Beach's natural resources. The State of New Hampshire also has State regulations on wetlands and water resources.

Natural Resource Protection Goal: The Rye Beach Village District should conserve, protect and/or preserve the natural resources within Rye Beach.

The following are the policies the Rye Beach Village District adopts in furtherance of its natural resource protection goal.

Policy One: It is the policy of Rye Beach Village District through its regulatory powers to limit and/or control development in environmentally sensitive areas to include: wetlands, floodplains, beaches, rocky coastal shore, potential public water supplies or aquifers, and other areas with poor soils and/or inadequate drainage.

Policy Two: It is the policy of Rye Beach Village District to protect Rye Beach's natural resources by promoting conservation measures and securing development rights.

RESIDENTIAL DEVELOPMENT GOAL

Rye Beach is a small residential community which evolved from an agricultural base to a summer resort to a year-round residential use. Much of its residential development occurred at the turn of the century when large summer "cottages" were built and more recently when single family homes were built. Both the apartment building and group home were built as hotels, a commercial use.

Most of Rye Beach contains single family homes which are owned by the residents. Some were converted from seasonal use. There has been a very limited amount of condominium conversion. A few of the seasonal homes are on very small lots.

The 1986 Survey indicated that residents believe there are not housing opportunities for all income levels in Rye Beach. However, residents also believe by a larger majority that smaller residential units are not needed. There are no known subsidized units in Rye Beach and no manufactured housing. Shorefront property is much more expensive than an interior property.

Residential Development Goal: The Rye Beach Village District should encourage a housing pattern that preserves and protects the District's rural residential seacoast character but allows for diversified alternatives.

The following are the policies the Rye Beach Village District adopts in furtherance of its residential development goals.

Policy One: It is the policy of Rye Beach Village District to preserve the rural residential seacoast character by basing development on the suitability of natural conditions on the site.

Policy Two: It is the policy of Rye Beach Village District to consider regulatory methods to allow diversified housing alternatives in keeping with Rye Beach's character.

ECONOMIC DEVELOPMENT GOAL

Historically Rye Beach's economic base was first agriculture and then tourism. The large resort hotels provided numerous employment opportunities for seacoast residents, particularly on a seasonal basis. Owners of the large "cottages" continued the employment pattern. This was the commercial development in Rye Beach.

Related to it was the recreation employment opportunities at the beach, beach club, and golf club. There has been and is no industrial development in Rye Beach, although, of course, there were mills associated with agricultural use.

By 1986, Rye Beach had a less diversified economic base than it did in the early 1900s. Although the recreation employment opportunities continued, the tourism employment sector was mostly gone. Instead one religious institution in a former hotel provided limited employment opportunities. The "new" Farragut Hotel remains closed. Rye Beach, like the Town of Rye, remains largely a residential community.

Economic Development Goal: The Rye Beach Village District should encourage economic development in keeping with its natural resource constraints and existing land use.

The following are policies the Rye Beach Village District adopts in furtherance of its economic development goal.

Policy One: It is the policy of Rye Beach Village District to consider and recommend regulatory changes, if needed, based on natural resource conditions and land use.

Policy Two: It is the policy of Rye Beach Village District to require an analysis of fiscal and environmental impact of any proposed change in use or re-use of major buildings or parcels within the district.

RECREATION GOAL

Rye Beach has public beaches bordering Route 1A and the Atlantic Ocean with access limited by the lack of available parking. Town of Rye residents use Sawyer's Beach with local permits. The rocky Bass Beach is not open due to public health issues. There are also two private recreation clubs in Rye Beach: the small Rye Beach Club which is a swimming club and the Abenauqui Golf Club which also includes tennis. Both the private clubs have limited land for expansion. Part of the Abenauqui is in North Hampton.

Recreation Goal: The Rye Beach Village District should encourage the protection of oceanfront resources and recreation opportunities within Rye Beach.

The following are the policies the Rye Beach Village District adopts in furtherance of the recreation goal:

Policy One: It is the policy of the Rye Beach Village District to work with the State of New Hampshire and the Town of Rye to preserve and protect its oceanfront natural resources.

Policy Two: It is the policy of the Rye Beach Village District to consider and recommend regulations designed to preserve and protect recreation resources in Rye Beach.

PUBLIC UTILITIES GOAL

There are often two major expensive public utilities in a community: water and sewer. Rye Beach Village District receives water from the Hampton Water Works, a private company. Eastern Rye Beach has three sewer lines which empty into the Atlantic Ocean and do not comply with current standards. Many homes have their own septic systems, a few of which have also failed. The State of New Hampshire, following the recommendations of the Water Quality Management Plan, has mandated that the Town of Rye engineer and construct an adequate sewerage treatment facility. The Town of Rye at its 1983 Town Meeting voted to budget \$1,951,000 for implementation of this project. Though construction was slated to begin in the fall of 1986, there are still difficulties in that a specific site for the "anerobic treatment facility" has not been selected and the original projected costs have risen.

Public Utilities Goal: The Rye Beach Village District should encourage the adequate provision of water and sewer service in Rye Beach in order to meet the needs of the residents and protect the natural resources.

The following are the policies the Rye Beach Village District adopts in furtherance of its public utilities goal:

Policy One: It is the policy of the Rye Beach Village District to work with the Hampton Water Works to assure that the immediate and long range needs of the Rye Beach residents and property owners are met.

Policy Two: It is the policy of the Rye Beach Village District to work with the State of New Hampshire and the Town of Rye to address the critical sewer and septic problems which have been identified.

Policy Three: It is the policy of the Rye Beach Village District to identify future sewer and septic problems and to correct such problems based primarily on environmental criteria rather than on developmental criteria.

Policy Four: It is the policy of the Rye Beach Village District to require of a proposed development, a detailed site specific analysis if development constraints are indicated by the Soil Conservation Services mapping of the site.

COMMUNITY SERVICES GOAL

The Rye Beach Village District was formed to provide services desired by the residents of Rye Beach. The 1986 survey indicates that those services such as sidewalks and street lighting are still desired by the majority of the respondents. While some respondents felt that there was no longer a need for the Village District, the majority believed that it was a useful form of government.

Community Services Goal: The Rye Beach Village District should continue to offer services in addition to those provided by the Town of Rye.

The following are the policies the Rye Beach Village District adopts in furtherance of its community services goal:

Policy One: It is the policy of the Rye Beach Village District to have and enforce a zoning ordinance and subdivision regulations.

Policy Two: It is the policy of the Rye Beach Village District to provide adequate sidewalks and street lighting as desired by the residents.

Policy Three: It is the policy of the Rye Beach Village District to represent the interests of Rye Beach on various public utility issues and other governmental issues of concern in the Town of Rye.

Policy Four: It is the policy of the Rye Beach Village District to maintain the precinct building and grounds and undertake roadside work within the public right-of-way to enhance the appearance of Rye Beach.

TRANSPORTATION GOAL

The earliest transportation network in Rye Beach consisted of Central Road and connecting roads. The State later added Route 1A along New Hampshire's seacoast. There are some private roads and drives within Rye Beach. There is no bus or train or air transportation. The responsibility for road maintenance rests with the State, the Town of Rye and private individuals.

Transportation Goal: The Rye Beach Village District should encourage the provision of a safe, well maintained transportation system which supports the rural, seacoast character of Rye Beach.

The following are the policies the Rye Beach Village District adopts in furtherance of its transportation goal:

Policy One: It is the policy of the Rye Beach Village District to work with the Town of Rye and the State of New Hampshire to enforce the load limitations established for roads in Rye Beach as well as speed limits.

Policy Two: It is the policy of the Rye Beach Village District to encourage the New Hampshire Department of Transportation to provide a bike lane and bike parking along Route 1A to increase bike and pedestrian safety and access to public beaches.

IV. Future Land Use Plan

The development pattern which has occurred in the Rye Beach Village District was primarily related to the location of Rye Beach and the suitability of land for development. Most of the land suitable for development has been developed in residential use. Approximately 141 of the 196 parcels have been developed. Over sixty one percent of the current parcels do not meet the minimum lot size established in the Rye Beach Zoning Ordinance. Ninety three of the developed lots and 27 of the undeveloped lots are less than 1.377 acres. There are a number of parcels of land which are not developed and potentially could be. Other sites contain structures which could be redeveloped in a more intense or possibly less intense manner. The key variables in development remain: suitable land, the real estate market, and local regulations.

However, many of the undeveloped parcels have severe development constraints. The natural systems characteristics of the land provide a significant development constraint. When there was a wide variety of land available, development naturally occurred on higher land with suitable soil and water supply. As development has filled in desirable areas, pressure has occurred to build on land with severe development constraints, for example, wetlands. In response, local and State regulations were developed to prevent development that could adversely affect environmentally sensitive land.

A detailed site analysis is needed when development constraints such as these occur: areas mapped by the Federal Flood Insurance Administration as subject to 100 year flooding; areas with severe soil conditions for residential septic systems as defined by and mapped by the U.S. Soil Conservation Service if such areas are not served by a municipal sewer service; aquifer or aquifer recharge areas; areas with steep slopes; areas with significant archeological or historic sites, fragile waterbodies, ecological systems and wildlife habitats; areas with man-made health or safety hazards such as utility transmission lines; and areas under current use assessment.

The existing land use and real estate market provide another constraint. It is the private sector market that determines most development and redevelopment. Most of Rye Beach has seen single family residential development. A few properties have guest houses. There are two major private recreational properties. There are three properties built as hotels, but when the market for hotels changed, two of the three changed their use.

Local regulations such as a Zoning Ordinance or Subdivision Regulations provide a process in which the public sector exerts some influence over the development of a community. In New Hampshire, if a community

desires to regulate growth, then it must have in place an adopted Master Plan, a Capital Improvement Program, and a Zoning Ordinance consistent with the Master Plan. Growth management, in general, links the provision of public services with orderly development. Communities cannot adopt a growth management process to ban growth. The timing of development by the community must be related to solid scientific evidence and not be discriminatory.

In order to develop a future land use plan for Rye Beach Village District, a number of factors were reviewed including: the natural resource constraints, the existing land use, the goals and policies as developed by the Planning Board and District Commissioners based on their experience, the resident and property owner survey and the March public meeting, and data in this Master Plan.

Land Use Types

Rye Beach Village District is only a small part of the Town of Rye and the Seacoast. Therefore, it does not and will not have all the land use types which other communities may have. There has never been an industrial land use in the area, unless the early 18th century mill is so classified. It is not appropriate now or in the future. There has not been a district commercial center or even an area with stores in Rye Beach. Although historically there were working farms in Rye Beach, there do not appear to be any crop, pasture or tree farms of sufficient size to warrant a separate land use.

Low-Density Residential. A low-density residential use is intended for areas with septic systems with lot size based on soil conditions or adequate municipal water and sewer service. Density may vary because of the natural system constraints. The minimum lot size is 60,000 square feet. Low-density residential units may be owner or renter occupied. This land use may include properties in governmental, educational or religious use.

Medium-Density Residential. A medium-density residential use is intended for areas with septic systems with lot size based on soil conditions or adequate municipal water and sewer service. Density may vary because of the natural system constraints. The minimum lot size is 43,560 square feet (1 acre). Medium-density residential units may be owner or renter occupied. This land use may include properties in governmental, educational or religious use. Approximately 49 percent of the existing lots are less than one acre and do not meet the medium density minimum lot size.

Limited Commercial. A limited commercial use is intended for an area with adequate natural conditions at the site or adequate public water and sewer system. Limited commercial use is intended for hotels.

Recreational. This land use is intended for an area which is generally composed of land used solely for recreational purposes such as a beach

club, golf course, tennis club or park. The property may be publicly or privately owned.

Open Space. This land use includes sizable ponds, streams, wetlands, or undeveloped land not within other categories. This land use is intended for oceanfront land owned by the State of New Hampshire or the Town of Rye and reserved for recreational purposes. Land classified as open space is not likely to be developed due to the soil conditions.

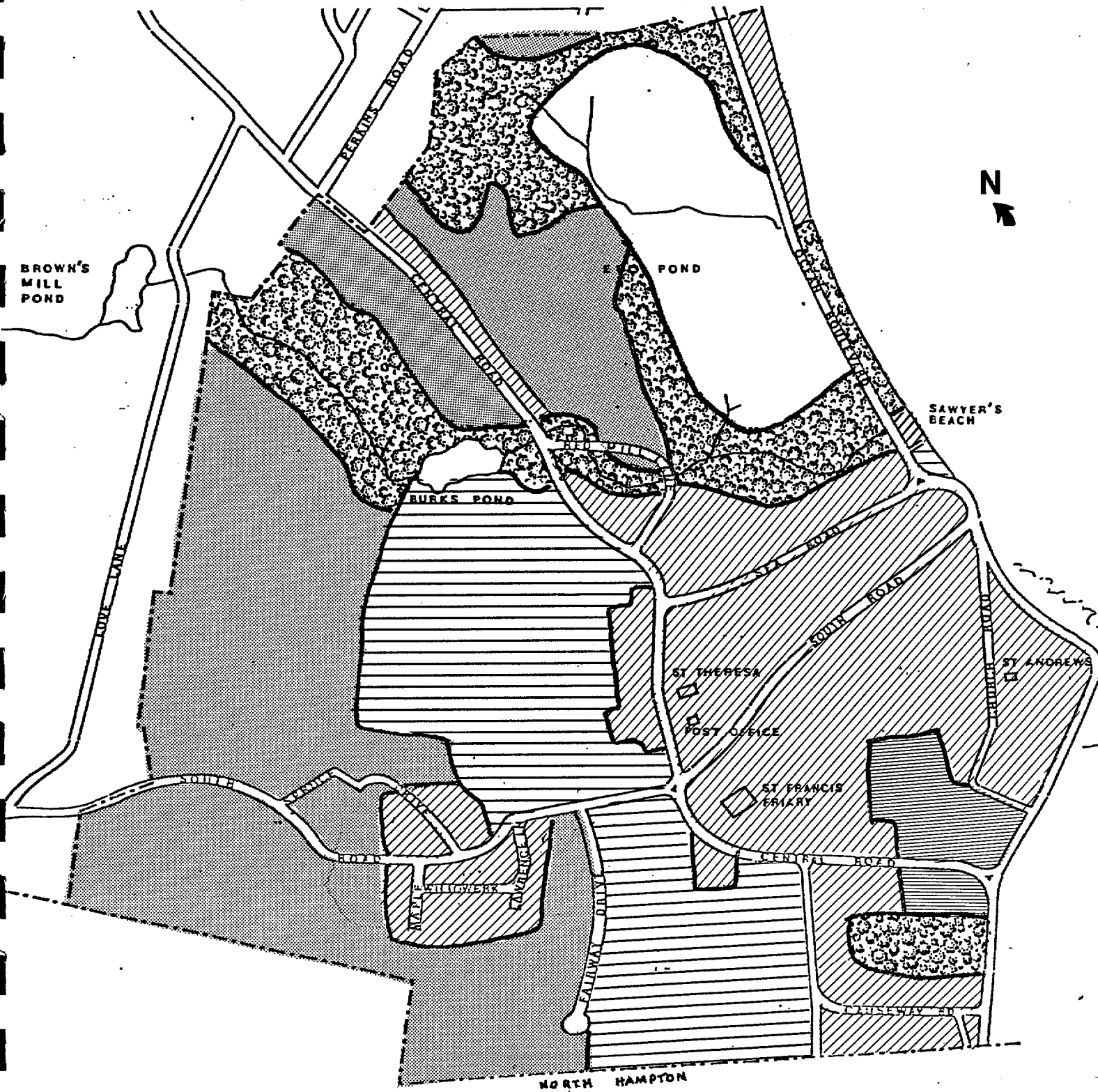
Future Land Use Map

The Future Land Use Map illustrates where land uses may be appropriate. As Rye Beach changes, the map should be updated. The map is a generalized representation. A description by area follows.

East of Central Road. There is a variety of land use east of Central Road. Eel Pond and the oceanfront beaches will remain undeveloped. Recreational use occurs along the ocean. Eel Pond is an important natural resource and development around it should continue to be restricted to protect it. Much of the developed area east of Central Road is in medium density including properties less than 60,000 square feet and properties with multi-family dwelling units. Between Ocean Boulevard and Church Street and part of the area between South Road and Central Road is considered low density. There is some land suitable for low density development adjacent to the Eel Pond area. Institutional uses occur on Central and Church Roads.

West of Central Road. There is less variety of land use west of Central Road. The Abenaki Golf Club is the main recreational use in Rye Beach. Given the golf club ownership is now by members and they have made a commitment to maintaining the golf club, it is assumed that this recreational use will continue. There is a medium density residential area between Spruce Drive and Fairway Drive. The remainder of the area is considered low density residential use with some open space use around Burke Pond to Brown's Mill Pond.

FUTURE LAND USE MAP
 RYE BEACH VILLAGE DISTRICT



- | | |
|----------------------------|--------------|
| Low Density Residential | Recreational |
| Medium Density Residential | Open Space |
| Limited Commercial | |

V. Implementation Recommendations

A Master Plan is an advisory document developed to guide the District in its decision-making. It contains socio-economic background data on the community as well as goals and policies. It also contains a future land use plan. Implementation measures are discussed here and are the principal way that the Master Plan becomes reality.

The Planning Board adopts the Master Plan. However, the adoption of the document is only a beginning. A Master Plan provides the community perspective to development which allows individual development decisions to be viewed in a wider perspective. Thus, the Planning Board can reference each development proposal to the Master Plan.

The Rye Beach Village District can also use other techniques to implement this plan. It could develop a Capital Improvement Program. It can make changes in its land use regulations including enacting or revising ordinances. It can initiate, revise, or eliminate District services. Furthermore, it can seek funding from other governments or the private sector or use eminent domain powers to implement special projects, to the extent such powers are available.

Rye Beach Village District has used some of these techniques in the past. Some do not appear to be needed or desired at this time. Nevertheless, changes which are adopted should be consistent with this plan.

Recommendations

This section provides recommended actions to be taken in order to implement the proposals of this Master Plan. Each section has introductory, descriptive paragraphs followed by one or more recommendations to bring about implementation. Basically, these recommendations become a work program for the Planning Board and/or the Commissioners to carry out. Some of the recommendations can be done relatively quickly and some will take considerable time to implement.

Master Plan. Obviously, the first step in the process is to adopt this Master Plan. By doing so it becomes the official guide for planning the future development of the District.

Recommendation #1: It is recommended that this Master Plan be adopted by the Rye Beach Village District Planning Board.

Sewer System. The sewer system problems are limited to a small section of Rye Beach, but because the outflow is into the beaches and ocean, they affect a wider population. When the systems were built, they were designed to accommodate several hotels with a larger need than single family residences. For the most part, the existing properties in the sewer service areas cannot meet today's standards without an acceptable sewer system. While it is usually true that a sewer system allows a more intense development than an on-site septic system, most of the development has already occurred. The problem is affecting properties within the area both in terms of potential public health issues and property values to some extent. Just because the solving of the sewer problem could facilitate development or the re-use of some larger properties in a more intense manner does not mean that it is in the best interests of Rye Beach Village District to allow the problem to continue.

Recommendation #2: This Plan recommends that the sewer problems in the District be resolved expeditiously in the interest of public health and welfare.

Lighting System. The current lighting system has had some ongoing problems. In several areas some of the lights do not function. Given that the provision of street lighting was one of the reasons for the establishment of the District, there should be an effort to maintain and upgrade the lighting system where needed.

Recommendation #3: This plan recommends that the Commissioners in the near future undertake a complete inventory and assessment of all street lights and establish a repair schedule.

Recommendation #4: This Plan recommends that the Commissioners establish a three to five year capital investment program to replace and upgrade the lighting system on a programmed basis.

Capital Improvement Program. A Capital Improvement Program is a budgetary tool used to forecast major (over \$10,000) capital expenditures usually over a six year period of time. If the District desires to regulate the timing of development, it must have developed, adopted and implemented a Capital Improvement Program. The first year is considered a Capital Budget. Given the budgetary expenditures over the past ten years, it does not appear that a formal Capital Improvement Program is needed in Rye Beach Village District at this time.

Recommendation #5: This plan recommends that a Capital Improvement Program be considered when capital expenditures are anticipated to be over \$10,000 annually.

Rye Beach Village District Boundary. It is apparent that there has been some confusion over the legal boundary of Rye Beach Village District, particularly on the northern end of Central Road. The Town's Zoning Ordinance shows a different boundary than the District's Zoning Ordinance. Appendix C contains the legal description of Rye Beach Village District (as found in the 1937 amendment of Chapter 195 of the Laws of 1905).

Recommendation #6: This plan recommends that the Rye Beach Village District, the Town of Rye and affected property owners work together to establish the correct legal boundary and corresponding base map of Rye Beach Village District.

Rye Beach Village District Zoning Ordinance. Any community's zoning ordinance is one of the strongest determinants of land use because it defines where and what kind of uses are allowed and sets out development criteria. The District Zoning Ordinance actually pre-dates the Town of Rye Zoning Ordinance.

The Rye Beach Village District since 1937 has had exclusive zoning and planning powers over the land in Rye Beach. The Town of Rye appears to have no legal statutory authority over land use regulations in Rye Beach Village District. However, the Town of Rye's Zoning Ordinance in Section E. Extent implies that it has concurrent powers over Rye Beach stating that:

In simpler words, within the Precinct its zoning applies primarily, but where it is silent, the Town's Zoning applies; and in the same manner, the Precinct's Subdivision Regulations apply as the primary regulations, but where they are silent, the Town's Subdivision Regulations apply.

This section of the Town of Rye's Zoning Ordinance appears to be in error, because the Town does not have planning and zoning authority over Rye Beach by statute. The zoning ordinances of both Rye Beach Village District and the Town of Rye should reflect Rye Beach Village District's exclusive regulatory authority over the Village District.

The current Rye Beach Village District Zoning Ordinance was adopted March 25, 1975. It contains ten sections which cover the use of land and buildings, area regulations, signs, definitions, general, non-conforming uses, Board of Adjustment, enforcement, amendments and validity. Although most of the text is clear and readable, it would benefit from some reorganization of sections and labelling of text so that the format is parallel and logically organized. The Ordinance also needs updating to be consistent with the current State statutes.

From a general viewpoint, there should be a section which specifies the relationship that exists between the Town of Rye and the District Zoning Ordinance. It would be advisable from the standpoint of clarity, that the District create a Zoning Ordinance that stands alone to the maximum

extent feasible. Therefore, it is advisable for the District Ordinance not to be "silent" on any substantive issue. This approach will mean that the District Zoning Ordinance needs to be re-written to be more complete.

Below are generalized comments on a section by section basis of the existing ordinance.

Purpose/Authority. Although not so labelled, the introductory paragraph is the purpose and authority of the Zoning Ordinance. State statute references need updating and the purpose should incorporate State statute language to insure compatibility. There also could be a section citing the official title.

Section 1. There appear to be two districts although the first is not specifically labelled or defined by either a map or by metes and bounds. An official map could be referenced. The exclusionary nature of A needs to be evaluated given State statutes and court decisions. In section C, there appear to be conflicts with Section 3 Signs.

This section should be re-organized and made compatible with the future land use recommendations of the Master Plan. Additional districts including overlay districts are needed.

Additionally, a use table should be developed which spells out the uses which are allowed and under what circumstances. Such a format is clear and easy to understand. Furthermore, the District should rely on the use of special exceptions for uses which often have an adverse impact on a neighborhood, such as home occupations, and similar uses.

A separate zoning map should be developed to show where the various districts are located.

Section 2. These area regulations (dimensional requirements) would benefit from a simple tabular format. Some of the area regulations are more strict than the Town's regulations. These should be identified where applicable.

The procedure on building permits is inappropriately located in this section.

Section 3. This section could also be simplified by use of a table along with footnotes for prohibitions where appropriate. Certain prohibitions, such as political signs, may in fact be illegal. If so, then such prohibitions should be removed.

Section 4. Definitions are usually placed in the beginning of the Ordinance. In the present Ordinance they are written in mixed sentence and phrase format and are not in alphabetical order. Also, this section is numbered while other sections use letters

of the alphabet. All of these problems should be corrected to make the ordinance simple to use.

Section 5. There is no mention of offstreet parking regulations. A section similar to Section XVII of the Town of Rye's Zoning Ordinance could be added and any variation in requirements could be noted. It would be wise to have a simple use table with the appropriate parking requirements.

There are other general requirements that typically appear in a zoning ordinance that should be considered for inclusion - fire ruins, septic systems, junk and similar provisions. If they have not been a problem historically, perhaps they can be left out.

Section 6. A clearer procedure for approval or denial of a building permit should be spelled out particularly with regard to Town vis-a-vis the District distinctions. The District should sign off on the Zoning Ordinance planning requirements and the Town on the building requirements.

Section 7. RSA references need updating and the introductory paragraph should be further revised. This section is very brief and would benefit from additional details spelling out the role of the Board of Adjustment, how it operates, and conditions which it might impose in the granting of special exceptions or variances.

Section 8. The word "village" should be added. The section could be expanded and called "Administration" with procedures for permits, certificate of occupancy and enforcement procedures included.

Also, Section 2, paragraph H should be transferred to this Section.

Section 9. The RSA reference for amendments needs updating.

Section 10. The invalidity concept should remain and is a typical provision.

Other. Finally, other important provisions, like overlay districts for conservation purposes, should be included. Also, a section spelling out relationships with the Town of Rye's Zoning Ordinance should be included. If the Villager district desires either a Growth Management Ordinance or Historic District Ordinance, they could be added to the Zoning Ordinance at a later date as separate sections.

Recommendation #7: This plan recommends that the Zoning Ordinance be revised to stand on its own in accordance with this Master Plan and State statutes.

Subdivision Regulations. A second land use regulatory provision is Subdivision Regulations. The Rye Beach Village District conducts subdivision review under the "Revised Land Subdivision Control Regulations" adopted July 30, 1975. The document is bound together with the Zoning Ordinance.

The Rye Beach Village District's exclusive land use regulatory powers also apply to Subdivision Regulations. Thus, the District's regulations should reflect that exclusive power.

The current Regulations include fourteen sections: authority and title, definitions, procedure of subdivision plats, general requirements for the subdivision of land, preliminary layout, final plat, required improvements in Subdivision, construction standards for streets and improvements, protection of natural features, variances, amendments, penalty, administration and enforcement, and validity.

The following observations are made on a section by section basis.

Section I. The authority to create Subdivision Regulations should be authorized by the Precinct Meeting not the Commissioners. Perhaps this is a wording problem and not a defect in the enactment procedure. This issue should be researched by legal counsel to be certain that the proper authorizing process was used. If there were earlier regulations than March 25, 1975, they should be referenced.

Section II. Definitions are in alphabetical order although there are a few minor inconsistencies. Additional definitions could be considered such as applicant, bond, cul-de-sac, dwelling unit, frontage, wetland, and similar frequently referenced terms in subdivision practice.

Section III. This section contains the procedural process for applying for subdivision approval. It is based on one of the most difficult parts of the New Hampshire Statutes in which to be in strict compliance.

Basically, the procedure has three major functional areas - pre-application, preliminary layout, and final plat. However, the sequence of the paragraphs could be improved so that the sequence follows logically with other administrative information (like Section C) placed in the beginning of the section.

These regulations have made a three step process out of what normally is a two step process. Customarily, there is a preliminary layout procedure, which is optional under state law, and a final layout procedure. However, these regulations have an added pre-application process. It is recommended that the pre-application and the preliminary procedure be combined into one.

Generally, the procedure follows State statutes, but as in the case in the entire regulations, the references to the State statutes should be changed to the new chapter numbers.

Under J, it is not clear whether or not the Planning Board retains the signed plan, for filing with the Register of Deeds. If that is not the procedure, then it is recommended that such a procedure be adopted.

Finally, there has been a recent court case, Sklar v. Town of Merrimack, which requires an additional hearing if precedent conditions are imposed prior to final approval. The hearing provides the abutters and the Planning Board the opportunity to determine if the conditions have been met.

Section IV. For the most part, the requirements in this section are fairly standard. However, there are certain discretionary provisions which should be discouraged. In paragraph B, for example, the Board has discretionary power to apportion road widths, curbs, sidewalks and grass strip widths. It would be preferable to set up a standard diagram of what is expected. Then there could be a provision for discretion in unusual circumstances, which appears in the present Paragraph K.

Section V. This section, like many others, would benefit from a uniform format, subheadings and a numbering system.

Section VI. This information appears to be standard.

Section VII & VIII. Both Sections VII and VIII rely on the Town of Rye for the design standards for the layout of the streets, curb and gutter, storm water drainage, and similar improvements. Apparently, the Town of Rye asserts it has jurisdiction over such matters because it, the Town, not the District, accepts streets. Since the Rye Beach Village District defers to the Town's jurisdiction, there apparently isn't any conflict. However, if the District did assert jurisdiction, there could be a conflict between the two jurisdictions.

Section IX. It appears that there are two different ownerships in rights-of-way in streets, one under the jurisdiction of the Town and one under the jurisdiction of the District. This is a confusing situation which needs resolution.

Paragraph C talks about the replacement of the 'District's trees.' Would these be located in a right-of-way or where? The current regulations recommend replacement species to be sugar maple. If these trees are to be planted along rights-of-way, sugar maple should not be recommended because it is not salt tolerant. Norway maples or other species are preferred in that type of situation.

Section X. This section used the term "variance" which should be avoided because it can be confused with the variance of the Board of Adjustment. It should be more properly called a waiver to avoid the potential confusion. Also, the standard for securing a waiver is different from a variance. The former involves a practical difficulty in complying with the subdivision requirements, where the latter involves an "unnecessary hardship," a very strict judicial standard.

Section XI & XII. The RSA references need updating to make them consistent with the State statutes.

Section XII. There appear to be too many actors in the administration and enforcement process. The fewer people involved, the clearer the lines of authority. Therefore, the enforcement section should be streamlined to minimize the number of participants and define their role more precisely.

Section XIV. This standard language appears to be adequate.

Recommendation #8: This plan recommends that the Rye Beach Village District Subdivision Regulations be written to stand on their own in keeping with the State statutes and this Master Plan.

Site Plan Review. Currently, the District does not have Site Plan Review authority nor does it exercise site review. Site plan review is limited to an evaluation of tracts for the development of non-residential uses or multi-family dwelling units (containing in excess of two dwelling units). In order to exercise site review powers, the District meeting must authorize the Planning Board to exercise such powers and the authorization must be filed with the Register of Deeds by the Village District Clerk.

The advantage of having site plan review powers is that it does authorize the Planning Board to conduct a detailed review of large scale projects which do not necessarily involve the subdivision of land. Review can include traffic, landscaping, parking and utilities. Impact assessments may be required for certain large scale development proposals. The disadvantage is that it is another set of regulations and additional work for the Planning Board. The Planning Board needs to determine under what conditions site plan review would be useful in evaluating proposed developments before actually developing the actual procedures.

Recommendation #9: This plan recommends that the Planning Board study the need for Site Plan Review procedures and, if desired, it should seek enabling authorization and then develop the procedures.

Building Code. At the present time Rye Beach Village District has not adopted a building code and has relied on the Town's building code. Building permits have been required by both the Town and the Village District, although the Town has building permit authority and the District has planning and zoning authority.

Recommendation #10: This plan recommends that Rye Beach Village District develop and authorize a zoning and planning permit to be completed by the District's Zoning Administrator indicating approval of an applicant's zoning or planning project. It is recommended that the Town's building inspector receive the District's permit prior to authorizing a Town building permit in Rye Beach.

Relationship with the Town of Rye. This Master Plan serves to clarify Rye Beach Village District's unusual status within the Town of Rye. The task of this Master Plan is to focus on the Rye Beach Village District land use regulations not the Town's. However, because the recommendations affect the Town it is important that the Town be informed as to the correct legal status and procedures.

Recommendation #11: This plan recommends that the Rye Beach Village District provide a copy of this Master Plan and ordinances to the Town of Rye (along with a legal opinion from the Rye Beach Village District's attorney, if desired) delineating the relationship between the Town and the District in zoning matters, subdivision matters, building code, and other areas where potential conflicts exist.

Appendix A. Resident Survey

The Rye Beach Village District Board of Commissioners and Planning Board sent a two sided anonymous survey to the residents and property owners of Rye Beach as part of the master planning process in order to obtain socio-economic data and the views of the residents on a number of issues. The survey contained 24 questions and was mailed first class to 197 residents and/or property owners in February 1986 with a return date request of March 10, 1986. The Thoresen Group collated the survey on March 11, 1986 and included the five surveys received that day. There were 78 complete responses and 1 response which only answered questions 6-24 which was a rate of return of forty percent. The surveys were cross correlated by questions 1 and 2. More detailed results are on file in the precinct building.

Questions 1-5 were grouped by year round and seasonal residents. There were 71 responses of year round residents and 7 seasonal.

<u>Questions</u>	Year Round		Seasonal		Total	
	#	%	#	%	#	%
1. How long have you been a resident of Rye Beach Village District?						
a) less than a year	6	8.5	0	0	6	7.7
b) 1-5 years	12	16.9	3	42.8	15	19.2
c) 6-10 years	10	14.1	2	28.6	12	15.4
d) 10-20 years	20	28.2	0	0	20	25.6
e) more than 20 years	23	32.3	2	28.6	25	32.1
TOTAL	71	100.0	7	100.0	78	100.0
2. Do you live in a:						
a) single family home	66	93.0	7	100.0	73	93.5
b) duplex	1	1.4	0	0	1	1.3
c) apartment	2	2.8	0	0	2	2.6
d) condominium	0	0	0	0	0	0
e) group home	2	2.8	0	0	2	2.6
TOTAL	71	100.0	7	100.0	78	100.0
3. Where you reside, do you						
a) own	66	93.0	7	100.0	73	93.6
b) rent	5	7.0	0	0	5	6.4
TOTAL	71	100.0	7	100.0	78	100.0

4. Please mark the number of people in the appropriate age ranges for your household members.

a) 0-4	4	2.2	0	0	4	2.2
b) 5-19	19	10.6	2	11.8	21	10.6
c) 20-29	23	12.8	1	5.9	24	12.2
d) 30-44	36	20.0	1	5.9	37	18.8
e) 45-64	61	33.9	3	17.6	64	32.5
f) 65+	37	20.5	10	58.8	47	23.9
TOTAL	180	100.0	17	100.0	197	100.0

5. In what community do you work?

a) Rye Beach-homemaker, retired	32	37.6	6	85.7	38	41.3
b) Rye Beach	7	8.2	0	0	7	7.6
c) Rye	3	3.5	0	0	3	3.3
d) Portsmouth	13	15.3	0	0	13	14.1
e) Hampton	8	9.4	0	0	8	8.7
f) PAFB	1	1.2	0	0	1	1.1
g) PNSY	0	0	0	0	0	0
h) other NH	11	12.9	0	0	11	12.0
i) other ME	0	0	0	0	0	0
j) Mass.	9	10.6	1	14.3	10	10.9
New York	1		0	0	1	1.1
	85	100.0	7	100.0	92	100.1

<u>Questions</u>	<u>Percent of Total</u>		
	<u>Agree</u>	<u>No Opinion</u>	<u>Disagree</u>
6. The precinct should provide side-walks along major roads.	53.8	7.5	38.7
7. Home businesses should be allowed in all residential areas.	24.0	7.6	68.4
8. Rye Beach's zoning is too strictly enforced.	16.3	12.5	71.2
9. The precinct building should be preserved and maintained as a Rye Beach landmark.	73.7	21.3	5.0
10. Rye Beach provides housing opportunities for all income levels.	17.9	20.5	61.5
11. The precinct should purchase development rights to protect Rye Beach's natural resources.	59.2	22.4	18.4
12. Summer parking is a problem along Route 1A.	73.4	7.6	19.0
13. There is no longer a need for Rye Beach Village District.	12.6	15.2	72.2
14. The Hampton Water Works service meets our needs.	78.5	13.9	7.6
15. Public sewer service is needed.	51.9	7.6	40.5
16. The Town of Rye provides adequate police protection.	86.2	8.8	5.0
17. The Town of Rye provides adequate fire protection.	86.1	12.6	1.3
18. Smaller residential units are needed in Rye Beach.	11.2	17.5	71.3
19. There should be an historic district in Rye Beach.	31.2	36.3	32.5
20. Rye Beach needs zoning and subdivision regulations which are more strict than those of the Town of Rye.	65.0	16.3	18.7
21. The street lighting is adequate.	53.2	11.4	35.4
22. The Town of Rye enforces land use regulations more strictly than Rye Beach.	10.1	48.1	41.8

Numerous responses to Questions 23 and 24 were grouped by the subject matter to facilitate analysis. There were often comments made expressing further concerns. They are listed below beginning with highest response.

Question 23. What are the assets of Rye Beach Village District?

- Rural (residential, beauty, quiet) - 17
- Ambience (people and area, beautiful homes) - 12
- Orderly development and zoning - 10
- Location (ocean and beaches) - 9
- History - 3
- Sense of community - 3
- Abenauqui & recreational facilities - 3
- Having some control over future development - 3
- Low density housing and limited population - 3
- Sidewalks - 3
- Not dealing with Rye selectmen - 2
- Street lights - 2
- No assets - 2
- Precinct building
- Local post office
- Stability
- High property values

Question 24. What are the chief problems facing Rye Beach Village District?

- Preventing excessive development - 16
- Sewers and water drainage - 14
- Installation of public sewage system making development possible - 2
- Farragut - 9
- Parking - 5
- Traffic - 3
- Dealing with Rye selectmen - 3
- Lighting on Sea Road - 2
- Condo conversion - 2
- Lack of community interest - 2
- Rising taxes - 2
- Increasing cost of maintaining District and making improvements - 2
- Trying to change zoning - 2
- Precinct building
- Those who do not follow established rules
- District "antiquitated"
- Selectmen's obstruction of quick completion of Seabrook
- Functional obsolescence of homes
- Limited manpower to enforce precinct regulations
- Getting community participation on boards
- Public perception of elitism
- Snobbism and elitism

Appendix B. Bibliography

About Rye, Bicentennial Edition.

Donovan, Michael, Consultant, Town of Rye Master Plan, June 1985, Rye Planning Board, 1985.

Hans Klunder Associates, Inc., Town of Rye, NH, Local Government Study, December, 1969.

Hoffman, Malvina, "The Story of St. Andrews-by-the-Sea," 1945.

Neter, John and William Wasserman, Fundamental Statistics for Business and Economics, Allyn & Bacon, Inc., Boston, 1966.

The Old Maps of Rockingham County, NH in 1892, Saco Valley Printing Co., Fryeburg, ME, April, 1981.

Parsons, John L., The Churches of Rye, NH, 1725-1959, 1959.

Parsons, Langdon, History of the Town of Rye, NH, Concord, 1905.

Reynolds, Phillips E. Ph.D., Conservation Master Plan for the Town of Rye, 1978.

Rockingham Planning Commission, Regional Housing and Community Development Plan, April, 1985.

Rye Beach Village District, Annual Reports, 1975-1984.

_____, Zoning Ordinance and Revised Land Subdivision Control Regulations, Adopted March 25, 1975.

Rye Junior High School, A Handful of History 1623-1980, Exeter, The New England Press, 1980.

Strafford-Rockingham Regional Council, Housing Element Update, June, 1979.

Tallman, Louise, Family Cemeteries of Rye (notebook).

_____, Historic Index of Rye Homes (notebook).

Town of Rye, Annual Reports, 1984-1985.

Turner, Lynn Warren, The Ninth State: New Hampshire's Formative Years, University of N. Carolina Press, 1983.

U.S. Department of Commerce, U.S. Census, 1970, 1980, Washington, D.C.

U.S. Department of Commerce (Office of Coastal Zone Management) and N.H. Office of State Planning, Final Environmental Impact Statement and the NH Coastal Program Ocean and Harbor Segment., Washington, D.C., April, 1982.

Varrell, William, Rye on the Rocks., Strawberry Banke Print Shop, 1962.

Wright-Pierce, Engineers & Architects and DSI Environmental Engineers, Water Quality Management Plan, Town of Rye, NH, January, 1982.

Interviews with representatives of:

Abenagui Golf Club
Hampton Water Works
New Hampshire Office of State Planning
Northern Utilities
Public Service Company of NH
Rockingham Planning Commission
Rye Beach Club
Rye Beach Village District Attorney
St. Francis Retreat Center
Town of Rye Conservation Commission
Town of Rye Fire Department
Town of Rye Police Department
Town of Rye Public Works Department
U.S. Soil Conservation Service

Appendix C. Legal Description

CHAPTER 292 AN ACT RELATING TO THE POWERS OF RYE BEACH PRECINCT DISTRICT IN THE TOWN OF RYE

".....So much of the territory of the town of Rye as is comprised within the following described lines-viz; beginning on the town line between North Hampton and Rye at the Atlantic ocean; thence running northwesterly by said town line to a stone post in the ground in the field in the rear of buildings of Alfred Jenness and on the southerly side of Woodland road, so called, and thirty-three (33) feet therefrom; thence turning and running N. 69° 30' E. three thousand eight hundred and sixty (3860) feet through land of Alfred Jenness, Geo. White, C.W. Jones and J.A. Brown to the northerly side of Love lane, so called, at a point nine hundred and ten (910) feet westerly from Central street, so called; thence turning and running N. 74° 40' E. on the westerly side of Love lane nine hundred and ten (910) feet to the westerly side of Central street; thence on the same course across Central street and on the southerly side of the right of way of A.P. Brown (from Central street to pasture land easterly) thirteen hundred and thirty (1330) feet; thence turning and running S. 43° E. twenty-three hundred and fifty (2350) feet through land of J.H. Perkins and along the easterly side of land of Decatur Parsons to the Atlantic ocean - shall be constituted a village district in said town for any or either or all purposes enumerated in section 1 of chapter 57 of the Public Laws as now amended or as the same may hereafter be amended. Said village district shall have the exclusive power within its territorial limits to enact and enforce zoning regulations, together with all the powers with respect thereto granted to towns under the provisions of section 48 to 68, inclusive, of chapter 42 of the Public Laws; and the exclusive power within its territorial limits to enact and enforce planning regulations, together with all the powers with respect thereto granted to municipalities under the provisions of chapter 55 of the Laws of 1935."

(Approved May 11, 1937)